

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL ) MDL No. 2804  
5 PRESCRIPTION OPIATE )  
6 LITIGATION, ) Case No.  
7 ) 1:17-MD-2804  
8 )  
9 THIS DOCUMENT RELATES TO ) Hon. Dan A.  
10 ALL CASES ) Polster  
11 )  
12 )  
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15 — — —  
16 Friday, January 11, 2019  
17 — — —

18 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
19 CONFIDENTIALITY REVIEW  
20 — — —

21 Videotaped Deposition of DEBBIE HODGES, held  
22 at 4206 South J.B. Hunt Drive, Rogers,  
23 Arkansas, commencing at 8:15 a.m., on the  
24 above date, before Debra A. Dibble, Certified  
25 Court Reporter, Registered Diplomate  
Reporter, Certified Realtime Captioner,  
Certified Realtime Reporter and Notary  
Public.

26 — — —  
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20          ALSO PRESENT:

21          Jennifer B. Bechet  
            Senior Associate Counsel  
            Walmart, Inc.

22  
23          THE VIDEOGRAPHER:  
24          Chris Ritona  
            GOLKOW LITIGATION SERVICES

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PROCEEDINGS

(January 11, 2019 at 8:05 a.m.)

THE VIDEOGRAPHER: We are now  
on the record. My name is  
Chris Ritona. I'm the videographer  
for Golkow Litigation Services.  
Today's date is January 11, 2019. And  
the time is approximately 8:06 a.m.  
This video deposition is being held in  
Rogers, Arkansas at Mitchell Williams,  
4206 South J.B. Hunt Drive, Suite 200,  
in the matter of National Prescription  
Opioid Litigation, MDL No. 2804, Case  
No. 17-MD-2804. United States  
District Court, Northern District of  
Ohio, Eastern Division. The deponent  
today is Debbie Hodges.

Will all counsel please  
identify themselves for the record.

MR. INNES: Good morning. My  
name is Michael Innes with the law  
firm of Carella Byrne on behalf of  
plaintiffs in the MDL.

MR. BOWER: Good morning.  
Zach Bower, also Carella Byrne, on

1           behalf of plaintiffs in the MDL.

2                   MR. VO: Caley Vo, Wright  
3           Lindsey & Jennings on behalf of  
4           McKesson.

5                   MR. FAIRLEY: Carter Fairley  
6           from the Barber Law Firm on behalf of  
7           Cardinal Health.

8                   MS. BECHET: Jennifer Bechet,  
9           senior associate counsel at Walmart,  
10          Incorporated.

11                  MR. BEISELL: Patrick Beisell,  
12          associate at Jones Day on behalf of  
13          Walmart.

14                  MS. TABACCHI: Good morning.  
15          Tina Tabacchi, Jones Day, on behalf of  
16          defendant Walmart and the witness.

17                  THE VIDEOGRAPHER: Will all  
18          counsel on the conference call please  
19          identify themselves.

20                  MR. SMITH: This is Wrede Smith  
21          from Arnold & Porter representing Endo  
22          and Par.

23                  MS. NOWAK: This is Darlene  
24          Nowak, Marcus & Shapira, for  
25          HBC Services.

1 MR. BLAKE: This is Ryan Blake  
2 with Reed Smith on behalf of  
3 AmerisourceBergen.

4 THE VIDEOGRAPHER: And the  
5 court reporter today is Debbie Dibble,  
6 and she will now please swear in the  
7 witness.

8 DEBBIE HODGES,  
9 having first been duly sworn, was examined  
10 and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. INNES:

13 Q. Good morning, Ms. Hodges. I  
14 just introduced myself. My name is  
15 Michael Innes. I'm with the law firm of  
16 Carella Byrne in Roseland, New Jersey. I  
17 represent the plaintiffs in this case.

18 You understand you're under  
19 oath, correct?

20 A. Correct.

21 Q. You may have to speak up so the  
22 folks on the phone can hear you.

23 Have you ever testified under  
24 oath before?

25 A. Yes.

1           Q.       You understand that even though  
2       you're in a law office today, that the  
3       testimony you give under oath here is subject  
4       to the same penalty of perjury as if you were  
5       testifying in a court of law?

6           A.       Yes.

7           Q.       I'm going to assume you  
8       understand the questions that I ask you  
9       unless you tell me that I don't understand  
10      them that. Fair?

11          A.       Yes. If I don't understand  
12      them, I'll ask.

13          Q.       Thank you. Is there anything  
14      that would prevent you from thinking clearly  
15      today?

16          A.       No.

17          Q.       Is there anything that would  
18      prevent you from testifying truthfully today?

19          A.       No.

20          Q.       What, if anything, did you do  
21      to prepare for this deposition today?

22          A.       So counsel -- counsel and I had  
23      a session the day before yesterday, a brief  
24      session, and then we prepared yesterday as  
25      well. And then sometime -- sometime before



1 the first of the year, we briefly met and  
2 prepared.

3 Q. Okay. Let's take that in  
4 reverse order. The time before the first of  
5 the year. Was that an in-person meeting or  
6 by telephone?

7 A. There was an in-person meeting.

8 Q. And was that at your offices?

9 A. It was here in Bentonville.

10 Q. And was that at a law office in  
11 Bentonville?

12 A. It was here in Bentonville. I  
13 don't recall where it was, the location.

14 Q. You don't recall the address of  
15 that meeting?

16 A. No. I don't recall the  
17 location.

18 Q. Okay. Was it in a conference  
19 room?

20 A. I don't recall the location.

21 Q. Do you remember who attended a  
22 meeting?

23 A. Sure. It was Tina, myself,  
24 Patrick.

25 Q. What's Patrick's last name?

1           A.       I don't know.

2           Q.       Is it the Patrick that's  
3       sitting at counsel table?

4           A.       It is. It is.

5           Q.       Thank you.

6                    Anyone else other than  
7       yourself, Tina, or Patrick attend that  
8       meeting?

9           A.       There were a couple of Walmart  
10       attorneys that came in and out, but ...

11                   And I couldn't tell you who  
12       their names were.

13          Q.       How are you certain that they  
14       were Walmart attorneys if you did not know  
15       their names?

16          A.       They identified themselves, and  
17       they gave their names. I just can't -- I  
18       don't recall their names.

19                   MS. TABACCHI: I can represent  
20       to you, Michael, that there's been  
21       nobody other than counsel in any of  
22       these meetings.

23                   MR. INNES: Thank you, Tina.

24          Q.       (BY MR. INNES) Approximately  
25       how long was that first session?

1 A. It was a few hours.

2 Q. During that session did you  
3 review any documents?

4 A. No, I don't believe I did.

5 Q. Did you review any deposition  
6 testimony in this case?

7 A. No.

8 Q. Did you review any court  
9 documents?

10 A. I don't -- no.

11 Q. Do you not recall or do you  
12 just not know?

13 A. No, I said no.

14 MS. TABACCHI: I think that was  
15 no. N-O.

16 THE WITNESS: Right, it was.

17 It was no.

18 Q. (BY MR. INNES) When was the  
19 date of the second session that you met with  
20 counsel?

21 A. It was Wednesday of this week.

22 Q. Okay. And who attended that  
23 session?

24 A. Tina, Patrick, Jennifer, and  
25 there was another Walmart attorney that

1 dropped in for a bit.

2 Q. And do you know Jennifer's last  
3 name?

4 A. I don't.

5 Q. Is Jennifer here today?

6 A. Correct, she is.

7 Q. And Jennifer is seated at the  
8 end of the table?

9 A. She is.

10 Q. And you said there was one  
11 other Walmart attorney that attended?

12 A. Mm-hmm. And I believe it was  
13 Rob. But I don't know Rob's last name.

14 Q. I'll just take you to the third  
15 and final session.

16 Well, strike that.

17 How long was the second  
18 session?

19 A. It was four hours,  
20 approximately.

21 Q. And where did that occur?

22 A. It occurred in the -- a  
23 conference room.

24 Q. At Walmart?

25 A. Correct.

1 Q. And what's -- which -- what's  
2 Walmart's address?

3 A. It's on Walton Boulevard.

4 Q. The location on Walton  
5 Boulevard?

6 A. Correct.

7 Q. And the final session, the one  
8 the day before yesterday?

9 A. Same location.

10 Q. And what was the date of that  
11 session?

12 MS. TABACCHI: I'm sorry, just  
13 to clarify, the final session was  
14 yesterday, not the day before  
15 yesterday.

16 MR. INNES: I'm sorry.

17 Q. (BY MR. INNES) What was the  
18 date of the final session?

19 A. It was yesterday.

20 Q. Yesterday?

21 A. Yes.

22 Q. And for how many hours did you  
23 meet?

24 A. Approximately six to seven.

25 Q. And who was present at that

1 meeting?

2 A. Tina, Patrick, Jennifer.

3 Q. The same Jennifer that's seated  
4 at the end of the table?

5 A. Yes.

6 Q. Anyone else?

7 A. No.

8 Q. In the second session, did you  
9 review any documents?

10 A. Yes.

11 Q. Did you review any deposition  
12 testimony?

13 A. No.

14 Q. Did you review any court  
15 documents?

16 A. No.

17 Q. In the third session, did you  
18 review any documents?

19 A. Yes.

20 Q. Did you review any testimony?

21 A. Did I what?

22 Q. Did you review any deposition  
23 testimony?

24 A. No.

25 Q. Did you review any court

1 documents?

2 A. No.

3 Q. Have you read the complaint  
4 that was filed in this case?

5 A. No.

6 Q. Are you familiar with the  
7 allegations in the complaint as they relate  
8 to Walmart?

9 MS. TABACCHI: Object to the  
10 form. I'm also going to caution the  
11 witness not to reveal the substance of  
12 any communications with counsel.

13 If you can answer the question  
14 without revealing the substance of  
15 communications with counsel, you may.  
16 Otherwise, I will instruct you not to  
17 answer the question if your  
18 understanding comes from  
19 communications with counsel, to the  
20 extent you had one.

21 THE WITNESS: Can you repeat  
22 the question?

23 Q. (BY MR. INNES) Other than your  
24 conversations with counsel, what is your  
25 knowledge, if any, of the allegations in the

1 complaint in this case?

2 A. I don't have any knowledge,  
3 other than communication with counsel.

4 Q. Do you agree that the  
5 United States is currently in an opioid  
6 crisis?

7 A. Yes.

8 Q. What's the basis for your  
9 agreement with that statement?

10 A. I'm aware of the -- what media  
11 publishes.

12 Q. And what media sources  
13 specifically?

14 A. I read newspapers.

15 Q. Which newspapers do you read?

16 A. I read the Benton County  
17 Gazette, or the Gazette. Democrat-Gazette, I  
18 think it's called. Occasionally I read the  
19 Wall Street Journal. I read an investment  
20 newspaper.

21 Q. What investment newspaper is  
22 that?

23 A. I think it's called IBD.

24 Q. Are you aware that between 2000  
25 and -- year 2000 and year 2014, unintentional



1 drug overdose deaths in the U.S. increased by  
2 137 percent?

3 A. No.

4 Q. Can you hear me?

5 MS. TABACCHI: I'm having a  
6 little trouble hearing you.

7 MR. INNES: I'll try to speak  
8 up.

9 THE WITNESS: When he bends his  
10 head down. So just -- I have a  
11 hearing disability, and so I can watch  
12 your lips, and I'll be able to pick up  
13 on it. I have hearing aids. But when  
14 you bend your head down, it's very  
15 difficult for me to see your lips.

16 MR. INNES: Sure. Thank you  
17 very much for pointing that out. And  
18 I'll do my best to speak with my face  
19 up so you can see my lips moving.

20 Q. (BY MR. INNES) So maybe if I  
21 can, just do a little rearranging here.

22 So I'll reread the --

23 A. Sure.

24 Q. -- re-ask the question.

25 Between the year 2000 and 2014,

1 are you aware that unintentional drug  
2 overdose deaths in the U.S. increased  
3 137 percent?

4 A. I was not aware of that.

5 Q. Between -- were you aware that  
6 between the year 2000 and 2014, there were  
7 500,000 deaths due to prescription overdoses?

8 A. No, I was not aware of that.

9 Q. Were you aware that in 2015,  
10 over 47,000 drug-related -- there were over  
11 47,000 drug-related deaths?

12 A. No. I was not aware.

13 Q. Do you recall attending a DEA  
14 Distributor Conference in Indianapolis,  
15 Indiana on May 10th or 11th of 2016?

16 A. No. I did not attend that  
17 conference.

18 Q. Are you aware of anyone from  
19 Walmart that attended that conference?

20 A. I would not have that  
21 knowledge.

22 Q. In preparation for today's  
23 testimony, have you looked in your own  
24 personal paper files for documents that might  
25 be relevant to your testimony today?

1           A.       I don't have any paper files.

2           Q.       Have you looked in any  
3       electronic files prior to today to help  
4       prepare for your testimony?

5                   MS. TABACCHI: Object to the  
6       form.

7                   THE WITNESS: I have looked at  
8       documents that we reviewed over the  
9       past couple of days.

10          Q.       (BY MR. INNES) The documents  
11       that you reviewed in preparation for today,  
12       the only documents you reviewed, were those  
13       with counsel?

14          A.       Correct.

15          Q.       You did not review any  
16       documents outside of the presence of counsel?

17          A.       Correct.

18          Q.       Did you endeavor to look in  
19       your own electronic or paper files for  
20       documents that may help refresh your  
21       recollections of any events that might be  
22       relevant for today?

23          A.       I did not look at any documents  
24       in my files, either paper or electronic.

25          Q.       Thank you.

1                   My question is slightly  
2     different.

3                   I'm wondering if you attempted  
4     to find such documents.

5           A.       No.

6           Q.       Did you -- prior to today, in  
7     preparation for your testimony, did you speak  
8     with any colleagues about your testimony?

9           A.       No.

10          Q.       Have you spoken with any family  
11     members about the testimony you were about to  
12     give?

13          A.       No.

14          Q.       Have you spoken with any  
15     non-Walmart employees regarding the testimony  
16     that you are about to give today?

17          A.       No.

18          Q.       Ms. Hodges, where did you  
19     attend college?

20          A.       Southwest Missouri State  
21     University.

22          Q.       And when did you graduate from  
23     Southwest Missouri University?

24                   MS. TABACCHI: Object to the  
25     form.

1 Q. (BY MR. INNES) Strike that.

2 When did you graduate from Southwest Missouri  
3 State University?

4 A. 1985.

5 Q. Okay. Did you attend any  
6 graduate programs after your graduation from  
7 college?

8 A. I did.

9 Q. And what school was that?

10 A. University of Missouri  
11 Columbia.

12 Q. And what degree did you obtain  
13 from University of Missouri Columbia?

14 A. A JD.

15 Q. And what year was that?

16 A. 1988.

17 Q. You graduated in 1988?

18 A. Correct.

19 Q. Did you sit for a bar exam  
20 after your graduation?

21 A. I did.

22 Q. In what state did you sit for  
23 the bar exam?

24 A. Missouri.

25 Q. And what year were you admitted

1 to -- strike that.

2 Were you ever admitted to the  
3 state of Missouri?

4 A. Yes.

5 Q. And what year was that?

6 A. I believe it was '90. '90 or  
7 '91.

8 Q. So you sat for the bar exam  
9 in -- Missouri State Bar exam in 1988?

10 A. Correct.

11 Q. And your date of admission to  
12 the state of Missouri is 1990?

13 A. '90 or '91. Correct.

14 Q. How many times did you sit for  
15 the Missouri State Bar exam?

16 A. Two or three.

17 Q. Have you taken any other bar  
18 exams?

19 A. No.

20 Q. Are you admitted in any other  
21 states?

22 A. No.

23 Q. Upon your admission, did you  
24 practice law?

25 A. No.

1           Q.       Let's begin with -- well,  
2       strike that.

3                   Do you hold any other advanced  
4       degrees?

5           A.       No.

6           Q.       So this is a long period of  
7       time that we're going to cover now. I'd like  
8       to cover your employment history.

9           A.       Okay.

10          Q.       And I think we can probably  
11       move forward in time, but I'd like to get a  
12       record of your employment from '91 to  
13       present.

14                   We might stop along the way. I  
15       might want to investigate a little bit  
16       further, based on what you tell me. But we  
17       might be able to keep this moving pretty  
18       quickly.

19                   After you became admitted to  
20       the bar, in 1990 or '91, were you employed?

21          A.       Yes.

22          Q.       And where were you employed?

23          A.       Walmart.

24          Q.       And what was your role at  
25       Walmart in that time?

1           A.       I was a real estate manager.

2           Q.       Do you recall your title?

3           A.       Real estate manager.

4           Q.       And what was your general job  
5 duties as a real estate manager?

6           A.       It was a site selection job.  
7 And so we selected the sites for Walmart  
8 stores.

9           Q.       And where were you based at  
10 that time?

11          A.       Bentonville. Bentonville,  
12 Arkansas.

13          Q.       Thank you. Did the site  
14 selection process take into account the  
15 siting of pharmacies?

16                   MS. TABACCHI: Object to the  
17 form.

18                   THE WITNESS: It took into  
19 account the selection of Walmart  
20 buildings. Walmart stores.

21          Q.       (BY MR. INNES) Walmart retail  
22 locations?

23          A.       Correct.

24          Q.       Did those retail locations  
25 include pharmacies?



1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: I -- I don't  
4 know.

5 Q. (BY MR. INNES) Do you recall  
6 if Walmart had retail pharmacies in 1991?

7 A. I don't recall.

8 Q. How long did you hold the title  
9 of real estate manager?

10 A. From '88 to -- '88 to '91.

11 Q. So from 1988 to 1991, you were  
12 a real estate manager with Walmart here in  
13 Bentonville?

14 A. Correct.

15 Q. And during that same period of  
16 time, you were enrolled in a JD program; is  
17 that correct?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: Incorrect.

21 Q. (BY MR. INNES) I'm sorry, I  
22 just want to make sure I have the record  
23 clear.

24 My mistake. Let me clean that  
25 up so it's okay.

1                   You graduated with a JD in  
2     1988; is that correct?

3                   A.       Correct.

4                   Q.       And you passed -- you sat and  
5     passed for the bar in '90 or '91.

6                   A.       Correct.

7                   Q.       And you were admitted in '90 or  
8     '91?

9                   A.       Correct.

10                  Q.       And in 1988, you became a real  
11     estate manager for Walmart?

12                  A.       Correct.

13                  Q.       And you held that title until  
14     1991?

15                  A.       Correct.

16                  Q.       What was your next employment?

17                  A.       I -- for approximate -- I went  
18     out to the store -- and I think they called  
19     me a trainee -- but long story short, it was  
20     much like an assistant manager job in the  
21     store for eight months or so.

22                  Q.       And when you refer to "store,"  
23     that's a Walmart retail location?

24                  A.       Correct.

25                  Q.       In your role, in that assistant

1 manager role, did you have any duties as it  
2 related to -- strike that.

3 In that location, was there a  
4 pharmacy?

5 A. There was.

6 Q. And in your role as an  
7 assistant manager, did you have any duties  
8 relating to that pharmacy?

9 A. So my role was not considered  
10 an assistant manager. My role was considered  
11 a trainee. I said it was like  
12 responsibilities of an assistant manager.

13 And then to answer your  
14 question, no, I did not have any  
15 responsibility as it relates to the pharmacy.

16 Q. Thank you.

17 And after eight months as a  
18 trainee, what was your next employ?

19 A. I was in merchandising as a  
20 buyer.

21 Q. And your role as a buyer in  
22 merchandising, was that back at the home  
23 office?

24 A. Correct.

25 Q. And how long did you hold that

1       role?

2               A.       I held various roles in  
3       merchandising. So that first role was  
4       probably less than a year, probably less than  
5       six months, that first role.

6               Q.       Okay. In that first role, what  
7       were the products that you were -- strike  
8       that.

9                       What was your -- can you  
10      describe your role?

11              A.       In the very first role in  
12      merchandising, it was menswear. And it was  
13      ball caps that I bought.

14              Q.       All right. We can talk about  
15      that off-line.

16                      Following your role as a -- in  
17      merchandising as a buyer of ball caps, what  
18      was your next role?

19              A.       It was a buyer in what we call  
20      the infant department.

21              Q.       In that role in the infant  
22      department, what, if any, medical products  
23      did you purchase?

24              A.       None.

25              Q.       Were you primarily purchasing

1 apparel for infants?

2 A. I purchased apparel.

3 Q. How long were you in that role?

4 A. Approximately three to four  
5 years.

6 Q. Okay. After your role in  
7 merchandising as a buyer for infants, what  
8 was your next role?

9 A. It was a buyer in ladies' wear.

10 Q. And how long were you in that  
11 position?

12 A. Approximately two, two and a  
13 half years.

14 Q. And what was your next role?

15 A. It was a buyer in cosmetics and  
16 skin care.

17 Q. And what was your role after  
18 that?

19 A. I had a -- I was promoted to a  
20 DMM in cosmetics and skin care.

21 Q. Just for the record, what does  
22 DMM stand for?

23 A. Divisional merchandise manager.

24 Q. So you're no longer a buyer,  
25 but you're a divisional merchandise manager?

1 A. Correct.

2 Q. Did your responsibilities  
3 change at that point?

4 A. Yes, they did.

5 Q. And what was your role or  
6 function as a divisional merchandise manager?

7 A. It was to oversee buyers that  
8 bought product for the cosmetic and skin care  
9 business.

10 Q. And how -- approximately how  
11 long did you hold that title?

12 A. Approximately three and a half,  
13 four years.

14 Q. And what was your next  
15 position?

16 A. It was in supply chain, and it  
17 was position of vice president over safety  
18 and compliance of supply chain.

19 Q. Approximately what year did you  
20 begin in that role?

21 A. I don't recall the year. I'd  
22 have to do a math problem and figure it out,  
23 but I don't recall the year.

24 Q. Maybe we can figure this one  
25 out together. So in '91, you're a real

1 estate manager.

2 A. From '88 to '91.

3 Q. Right.

4 A. Correct.

5 Q. And then from approximately '91  
6 to maybe '92, you're a trainee assistant?

7 A. So collectively in  
8 merchandising, I've spent about 15 years.

9 Q. Okay. So does that help you?

10 A. 15 years, and if I started in  
11 '88 -- '98 -- probably -- approximately 2004,  
12 if my math is right.

13 Q. So approximately 2004, you take  
14 on the role of supply chain vice president,  
15 safety and compliance.

16 A. Correct.

17 Q. And what were your  
18 responsibilities in that role?

19 A. It was a safety -- it was to  
20 lead the asset protection team.

21 Q. And what assets were you  
22 protecting in that role?

23 A. The -- I wasn't protecting, but  
24 it was to lead the team that protected. And  
25 we called it asset protection, safety and

1 compliance.

2 Q. Okay. And what products was  
3 that team responsible for, if any?

4 A. Products in the general  
5 distributions -- or grocery distribution  
6 center and regional distribution center and  
7 apparel distribution center.

8 Q. Did you or your team have any  
9 involvement in the distribution of opioids?

10 A. No.

11 Q. Did you or your team have any  
12 responsibility over Distribution Center 6045?

13 A. No.

14 Not at that time, no.

15 Q. At any time did your team have  
16 responsibility over DC 6045?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: So let me ask for  
20 clarification. You said at any time,  
21 did that safety and compliance --

22 Can you rephrase that question,  
23 please?

24 MR. INNES: Certainly.

25 Q. (BY MR. INNES) At any time



1       during -- in your role as the asset -- as the  
2       vice president of safety and compliance, did  
3       you or your team have responsibility over  
4       DC 6045?

5               A.       No.

6               Q.       Did you have any involvement in  
7       DC 6045 while in that role of vice president?

8               A.       No.

9                       MS. TABACCHI: Object to the  
10       form.

11               Q.       (BY MR. INNES) And I'll just  
12       say this now before we get too far. We might  
13       have sort of rapid-fire, faster exchanges.  
14       If you can just pause, let your attorney  
15       interpose an objection.

16               A.       Yes, I got in a little hurry,  
17       didn't I?

18               Q.       Yeah. I suffer from the same  
19       thing as well. So I will try to keep my pace  
20       at a reasonable level so I don't egg you on.

21                       The -- okay. So for how long  
22       did you hold the role of vice president,  
23       safety and compliance in supply chain?

24               A.       Approximately three years.

25               Q.       So 2007 time period?

1 A. Correct.

2 Q. What role did you take on after  
3 vice president, safety and compliance?

4 A. It was over operations, so vice  
5 president of operations over the Great Lakes.

6 Q. I'm sorry, let me cycle back to  
7 your prior role as the vice president in  
8 safety and compliance.

9 Who did you report to in 2004?

10 A. Johnny Dobbs.

11 Q. And for the record, do you --  
12 can you spell Mr. Dobbs's last name?

13 A. I think it's -- I think it's  
14 D-O-B-B-S.

15 Q. And during that timeframe, how  
16 many people reported directly to you?

17 MS. TABACCHI: Object to the  
18 form.

19 Sorry, are you talking about  
20 2004?

21 MR. INNES: Yes.

22 THE WITNESS: Approximately  
23 six?

24 Q. (BY MR. INNES) And in 2005,  
25 who did you report to?

1           A.       When I was over operations? Is  
2       that your question?

3           Q.       In 2005, you held the title  
4       supply chain vice president, safety and  
5       compliance; is that right?

6           A.       In 2000 --

7           Q.       '5?

8           A.       '5. Correct.

9           Q.       Johnny Dobbs?

10          A.       Johnny Dobbs.

11          Q.       And was Mr. Dobbs also -- did  
12       you report to Mr. Dobbs in 2006 as well?

13          A.       Yes.

14          Q.       And between 2004 and 2006, in  
15       your role as a vice president, I think your  
16       testimony is that for a portion of that time,  
17       approximately six folks reported directly to  
18       you.

19          A.       Correct.

20          Q.       Was that approximately the same  
21       number of folks over the entire period of  
22       time that you held that role?

23                   MS. TABACCHI: Object to form.

24                   THE WITNESS: Correct.

25          Q.       (BY MR. INNES) So now let's

1 move forward to 2007. You're the vice  
2 president of -- well, I know I asked this  
3 question again, but let's get it right for  
4 the record.

5 In 2007, what was your title?

6 A. After the position of safety  
7 and compliance, I took the job of vice  
8 president over operations of Great Lakes.

9 Q. And I think I have an  
10 understanding of what the Great Lakes region  
11 might be, but could you explain to me in  
12 Walmart's terms, what is the Great Lakes  
13 region?

14 A. Sure. It consisted of the  
15 states of Pennsylvania, Michigan, and Ohio,  
16 the DC facilities there in those states.

17 And when I say "the DC  
18 facilities," I was responsible for the  
19 regional distribution centers as well as  
20 the -- we refer to them as the GDCs, the  
21 grocery distribution centers.

22 So those were my  
23 responsibilities.

24 Q. So the Great Lakes region was  
25 limited to Pennsylvania, Michigan, and Ohio?

1 A. Correct.

2 Q. There's some states that might  
3 take issue with that.

4 A. That's what we called it.

5 Q. That's for another day.

6 The DC facilities, I'd like  
7 to -- you testified there's two types of  
8 distribution facilities; is that correct?

9 A. I testified I was responsible  
10 for two types in that scenario. There are  
11 several types of DC.

12 Q. Thanks for that clarification.  
13 Let's focus on the ones that you're  
14 responsible for. And I believe you said  
15 regional?

16 A. Right.

17 Q. And what was the second one?

18 A. Grocery.

19 Q. And are those distribution  
20 facilities, regional and grocery, are they  
21 separate buildings?

22 A. Correct.

23 Q. Does a regional distribution  
24 facility -- strike that.

25 In your role as a VP of

1 operations for the Great Lakes region, what,  
2 if any, responsibility did you have for the  
3 distribution of Schedule II substances?

4 A. None.

5 Q. During your time as a VP of  
6 operations of the Great Lakes region, did  
7 Walmart ever conduct training?

8 MS. TABACCHI: Object to the  
9 form.

10 THE WITNESS: Can you be more  
11 specific as it relates to training?

12 Q. (BY MR. INNES) Did you ever  
13 attend any training as the vice president of  
14 operations for Great Lakes related to your  
15 role?

16 A. So clarification. Are you  
17 talking internal training? External  
18 training?

19 Q. Yeah, I think I'm going to  
20 withdraw it. That's a horrible question.

21 A. What?

22 Q. That's a horrible question.  
23 I'm going to withdraw it. We'll move on.

24 A. Okay.

25 Q. Where were you based as a vice

1 president of operations for Great Lakes?

2 A. Detroit. Livonia, to be  
3 specific.

4 Q. How do you spell that name?

5 A. I don't know. Livonia,  
6 Michigan.

7 Q. And Livonia is in proximity,  
8 close proximity to Detroit?

9 A. Correct.

10 Q. Now, you said you were the vice  
11 president of operations for the Great Lakes  
12 region. Were there other vice presidents  
13 for -- I'm sorry, strike that.

14 What other regions are there  
15 for Walmart?

16 MS. TABACCHI: Object to the  
17 form.

18 THE WITNESS: There are other  
19 regions. I can't name them all, but  
20 there are other regions.

21 Q. (BY MR. INNES) Did you ever  
22 attend conferences with vice presidents of  
23 operations for other regions?

24 MS. TABACCHI: Object to the  
25 form.

1 THE WITNESS: Can you clarify  
2 what type of conferences?

3 Q. (BY MR. INNES) Did you ever  
4 attend any conferences with Walmart employees  
5 in charge of other regions, regions other  
6 than the Great Lakes, for training purposes?

7 A. Not that I recall.

8 Q. Did you ever attend any  
9 conferences with Walmart employees from other  
10 regions?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: I attended  
14 meetings. I don't know that I would  
15 couch them as conferences.

16 Q. (BY MR. INNES) Okay. How  
17 often did you attend those meetings?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: Annually.

21 Q. (BY MR. INNES) Was there an  
22 annual gathering of employees from different  
23 regions?

24 MS. TABACCHI: Object to the  
25 form.



1 THE WITNESS: The -- there  
2 were -- there were annual meetings.

3 Q. (BY MR. INNES) What was  
4 discussed at those annual meetings?

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: It was discussed  
8 overall -- overall business, Walmart  
9 business.

10 Q. (BY MR. INNES) Do you ever  
11 recall discussing the distribution of  
12 Schedule II opioids at any of those meetings?

13 A. No, I don't recall that at all.

14 Q. Were you provided -- were  
15 presentations given during those meetings?

16 A. Yes, presentations were given.

17 Q. Were you provided any materials  
18 in connection with those presentations?

19 MS. TABACCHI: Object to the  
20 form.

21 THE WITNESS: Was -- no.

22 Q. (BY MR. INNES) Prior to  
23 attending those meetings, was an agenda  
24 circulated?

25 A. I don't recall.

1           Q.       Is there anything that would  
2       help refresh your recollection as to whether  
3       or not an agenda was circulated prior to any  
4       of those regional meetings?

5           A.       I didn't hear the first --

6                   MS. TABACCHI: Object to the  
7       form --

8                   THE WITNESS: Oh, I'm sorry.

9                   MS. TABACCHI: Sorry. Object  
10      to the form.

11                  Go ahead.

12                  THE WITNESS: I didn't hear the  
13      first part of the question.

14           Q.       (BY MR. INNES) So, yeah, I  
15      think I was, again, looking down, so it's my  
16      fault.

17                   Is there anything that would  
18      help refresh your recollection as to whether  
19      or not there was an agenda -- you received an  
20      agenda prior to attending any of those  
21      meetings?

22           A.       I don't have any recollection  
23      of it.

24           Q.       Slightly different question.  
25      Is there anything that would refresh that

1 recollection?

2 A. I -- I'm not sure.

3 Q. Did you maintain a calendar  
4 during 2007?

5 A. No.

6 Q. Did you use an electronic --  
7 strike that.

8 2007, how did you know the date  
9 that the meeting was going to occur?

10 MS. TABACCHI: Object to the  
11 form.

12 THE WITNESS: How did I know  
13 the date? Well, I had an assistant,  
14 and that assistant usually kept me on  
15 track.

16 Q. (BY MR. INNES) Did your  
17 assistant keep a calendar for you?

18 A. My assistant had a calendar,  
19 yes.

20 Q. Who was your assistant during  
21 that timeframe?

22 A. I -- I don't remember who it  
23 was.

24 Q. Is there anything that could  
25 help refresh your recollection as to who that

1 person was?

2 A. I'm not sure.

3 Q. Can we speak with someone at  
4 Walmart's HR department to figure out who  
5 your assistant was at that time?

6 A. Could I?

7 Q. Yeah.

8 A. No. I -- there's not a record  
9 as to who my assistant was in 2007.

10 Q. It's your testimony that  
11 Walmart does not maintain a record of who  
12 your assistant was in 2007?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: It's my -- I  
16 don't -- I don't remember who my  
17 assistant was, and I don't know of any  
18 place that would have a record of who  
19 my assistant was at that time.

20 Q. (BY MR. INNES) So did your  
21 title change at any time after 2007?

22 A. At any time after 2007. From  
23 now to present -- or from 2007 to present?

24 Q. That's a fair point. I  
25 appreciate the clarification.

1                   What role did you take on after  
2     the vice president, if any?

3                 A.       So I had a -- a took on --  
4     after -- in the chronological that you're  
5     talking.

6                 Q.       Yes.

7                 A.       After the vice president of the  
8     Great Lakes, then I was the divisional vice  
9     president of Central Plains.

10                Q.       And what year was that?

11                A.       Well, it was right after -- it  
12     was two years after the Great Lakes.

13                Q.       So beginning sometime 2009?

14                A.       Correct. '9 or '10.

15                Q.       And could you articulate the  
16     Central -- the specific geographical metes  
17     and bounds of the Central Plains region?

18                A.       Well, I had the responsibility  
19     for the RDCs and the GDCs in Missouri, parts  
20     of Oklahoma. Let's see. Predominantly  
21     Missouri and Oklahoma.

22                Q.       Are there other states in  
23     addition to Missouri and Oklahoma that you  
24     cannot recall at this moment?

25                   MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: No. I think

3 that's it. I was just --

4 No. It's Missouri and

5 Oklahoma.

6 Q. (BY MR. INNES) And the reason

7 why I asked is you said predominantly

8 Missouri and Oklahoma, which leads me to

9 think that there's other states.

10 A. Missouri and Oklahoma.

11 Q. And in that role, did you have

12 any responsibilities regarding the

13 distribution of Schedule II drugs?

14 A. No.

15 Q. What position did you take on

16 immediately after the Central Plains role?

17 A. It was the vice president of

18 supply chain services.

19 Q. Is that sometime in 2000 --

20 well, you tell me. What was the date that

21 you took the --

22 A. A math problem. I'm not good

23 at keeping track of that math problem. So I

24 was four years in operations, and so it was

25 after that.

1 Q. And by "operations," which role  
2 are you referring to?

3 A. I'm referring to the  
4 Great Lakes and Central Plains jobs.

5 Q. Okay. I'm going to try to help  
6 us through the math problem together. The  
7 operations position started in 2007. You  
8 think you were there for about four years  
9 over those two roles. So now we're --

10 A. A little over, but yes.

11 Q. So about 2011 --

12 A. Correct.

13 Q. -- you take on the vice  
14 president of supply chain services?

15 A. Yes. Vice president of supply  
16 chain services.

17 Q. And can you describe your  
18 responsibilities and duties in that role?

19 A. It was a solution-based team.  
20 And so I managed several solution-based teams  
21 predominantly for the flow of merchandise  
22 through the RDCs and GDCs.

23 Q. Okay. Let's break that down a  
24 little bit. What do you mean by  
25 "solution-based team"?

1           A.       What I mean is if there were  
2       any issues of product coming through the RDC  
3       or GDC, I had teams that managed through  
4       those -- managed through those issues.

5           Q.       And what do you mean by --

6           A.       And --

7           Q.       I'm sorry.

8           A.       Go ahead.

9           Q.       I try not to cut you off, so I  
10       apologize if I did.

11                    If I do cut you off and you  
12       want to continue speaking, please do.

13                    What do you mean by "issues"?

14           A.       So if a supplier were to ship  
15       in product that was more product than the  
16       PO -- the PO called for, then my team had to  
17       help resolve that.

18           Q.       Does "PO" mean purchase order?

19           A.       Correct.

20           Q.       How long did you hold this role  
21       of VP supply chain services?

22           A.       Approximately three and a half  
23       years.

24           Q.       Sometime in the area of 2014,  
25       2015 is when you ended that position?



1           A.       No. It would have to be -- I  
2       had to end that sometime in the neighborhood  
3       of '17, wasn't it? '17, '18, '19 because  
4       I've been in this role a year and a half. So  
5       it had to be sometime in that neighborhood of  
6       '17.

7           Q.       Maybe I can help us out here.

8           A.       Yeah.

9           Q.       So what's the next role that  
10      you took on?

11          A.       So then the next role is vice  
12      president over pharmacy. So I went from the  
13      supply chain services to pharmacy.

14          Q.       Okay.

15          A.       Network pharmacy. And it  
16      wasn't just pharmacy, it's health and  
17      wellness. So health and wellness and print  
18      solutions.

19          Q.       Okay. Is that your current  
20      title?

21          A.       Correct.

22          Q.       I have your current title as  
23      vice president, health and wellness, PM DC  
24      supply chain.

25          A.       Right. So that's print

1 solutions.

2 And I don't know what PM DC  
3 stands for, but it's the old nomenclature for  
4 print solutions.

5 Q. So anytime I see PM DC --

6 A. It's print solutions.

7 Q. Okay. They're synonymous?

8 A. Correct.

9 Q. Thank you.

10 That might help us out later.

11 I appreciate that.

12 A. Okay.

13 Q. So vice president, health and  
14 wellness, PM DC supply chain.

15 A. Correct.

16 Q. Is it better for me to refer to  
17 that as "vice president, health and wellness,  
18 print solutions"?

19 A. It's either one is fine.

20 Q. Okay.

21 Did you take on that position  
22 in June of 2017? Is that correct?

23 A. That is correct.

24 Q. So now I just want to make sure  
25 I have the timeline right.

1                   So immediately prior to your  
2           current title, you were the vice president of  
3           supply chain services?

4           A.       Correct.

5           Q.       Okay. And we believe that ran  
6           from approximately 2011 until June of '17?

7           A.       There's something not right  
8           with that math. Because I -- it was only  
9           about three and a half years. So we'll have  
10          to back up through there.

11          Q.       Well, maybe we're missing a  
12          role.

13          A.       I don't think we're -- we  
14          haven't missed any roles.

15          Q.       Okay.

16          A.       We might have -- I don't know  
17          that we've added the math up correctly. I  
18          haven't been -- I don't have a tally sheet  
19          here, but ...

20          Q.       Okay. I'm relying on you for  
21          that. And I'm relying on the time frames  
22          you're giving me.

23          A.       So to put an easy math problem,  
24          I was in merchandising roughly 15 years. So  
25          I was in real estate roughly three and a

1 half, I was in merchandising roughly 15, and  
2 I've been in distribution roughly 15.

3 So if you add -- or, let's see.  
4 So that's not quite right. So I was in  
5 merchandising and real estate approximately  
6 15, and then I've been in supply chain  
7 approximately 13 to 15, I guess.

8 Q. So all in, somewhere between 28  
9 and 30 years as a Walmart employee?

10 A. I just hit my 30-year, right.

11 Q. All right. Congratulations.

12 A. So there's a math problem.

13 Q. There's a math problem. We're  
14 doing algebra at this point.

15 A. A little complicated.

16 Q. All right. So let's go back to  
17 the title you had immediately before your  
18 present title.

19 A. Okay.

20 Q. And that's the vice president  
21 of supply chain services.

22 A. Correct.

23 Q. Were there any regional  
24 limitations on that role or was that a  
25 national role?

1           A.       Were there any -- repeat the  
2       question?

3           Q.       Was there --

4                   Prior to your role, as you  
5       mentioned, you had responsibility over a  
6       particular region.

7                   I'm wondering if, in the role  
8       of vice president of supply chain services,  
9       you were also limited to a particular region.

10          A.       No. It covered all RDCs and  
11       GDCs.

12          Q.       And by "all," you mean  
13       nationally?

14          A.       Correct.

15          Q.       Were there any international  
16       facilities you had --

17          A.       No.

18          Q.       So at that point, when you take  
19       on a national responsibility, did you have  
20       any responsibility for the distribution of  
21       Schedule IIs?

22          A.       No.

23          Q.       Did your role in any way,  
24       shape, or form touch on the distribution of  
25       Schedule IIs?

1 A. No.

2 Q. Did your role have any  
3 involvement in DC 6045?

4 A. No.

5 Q. In June of 2017, you take on  
6 the role of vice president, health and  
7 wellness, print solutions.

8 A. Correct.

9 Q. What were your job  
10 responsibilities -- what are your job  
11 responsibilities?

12 A. It's to oversee the  
13 distribution of -- the distribution of the  
14 distribution centers. And it's also to  
15 oversee the operation of the optical  
16 distribution center.

17 Q. And are you describing your  
18 role present day?

19 A. Correct.

20 Q. Okay. So I want to maybe  
21 refocus my question.

22 A. Okay.

23 Q. In June of '17, what were your  
24 responsibilities?

25 A. It was to oversee the operation

1 of the distribution center. The  
2 distribution -- the pharmacy distribution  
3 centers. And it was to oversee the operation  
4 of the optical distribution centers. And it  
5 was to oversee the operation of print  
6 solutions.

7 Q. What is print solutions?

8 A. It is a manufacturing operation  
9 inside Walmart, a print manufacturing  
10 operation.

11 Q. What is Walmart printing?

12 A. The -- what they do, they print  
13 every --

14 So if you walk in our stores,  
15 you see the signing in our stores. And so  
16 print solutions produces the signing for  
17 everything, what we call 8-foot and down in  
18 our stores. They also print some 8-foot and  
19 up, but predominantly it's 8-foot and down.  
20 That's our main function.

21 Q. What does "8-foot and down"  
22 mean?

23 A. 8-foot in the store. So 8-foot  
24 and down. So anything that is 8-foot and  
25 below, print solutions has probably printed

1       it.

2                   Q.       Okay.

3                   A.       It's a manufacturing operation.

4                   Q.       In that role, do you have any  
5       responsibility for the content of what -- of  
6       what's on those items that are printed?

7                   A.       No.   It's a manufacturing.  
8       It's certainly -- no.

9                   Q.       And "8-foot and up" means  
10      anything above 8 feet in the store?

11                  A.       Correct.

12                           And that's not all inclusive.  
13      They don't print everything 8-foot and down,  
14      but they print a lot of the 8-foot and down.

15                  Q.       Okay.   Thank you.

16                           In response to one of my  
17      earlier questions, I think you said the  
18      "distribution of the distribution centers."

19                  A.       Yes.   I misspoke.

20                  Q.       Okay.   All right.

21                  A.       I meant to say the "operation  
22      of the distribution centers."

23                  Q.       Okay.   Thank you.

24                           Is it operation of the pharmacy  
25      distribution centers?



1 A. Correct.

2 Q. How many pharmacy distribution  
3 centers are there for Walmart in June of '17?

4 A. Six.

5 Q. And in June of '17, is  
6 distribution -- do you have oversight over  
7 Distribution Center 6045?

8 A. Correct.

9 Q. And 6045, as I understand it,  
10 is the distribution center that handled  
11 Schedule IIs for Walmart?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: Had. Did I hear  
15 the word "had" or "has"?

16 Q. (BY MR. INNES) In that -- at  
17 that time period, June of '17 --

18 A. Repeat the whole question for  
19 me.

20 Q. In June of 2017, did DC 6045  
21 handle Schedule IIs?

22 A. Correct.

23 Q. Correct?

24 A. Yes.

25 Q. When did DC 6045 stop handling

1 Schedule IIs?

2 A. Approximately April of -- April  
3 to May of '18.

4 Q. And from the time period  
5 June 2017 through April or May of 2018, you  
6 held the title vice president, health and  
7 wellness, print solutions?

8 A. Correct.

9 Q. And I believe your testimony is  
10 that you over -- during that time period, you  
11 oversaw the operation of distribution  
12 centers?

13 A. Of the -- my testimony was of  
14 the Rx distribution centers, and the optical  
15 distribution center, and print solution.

16 Q. And DC 6045 is one of those  
17 centers?

18 A. Is one of the Rx, correct.

19 Q. And what do you mean by  
20 "oversee operations"? What does that entail?

21 A. It entails that the general  
22 managers report up to me.

23 Q. In June of 2017, how many  
24 general managers reported up to you?

25 A. Clarification. How many

1       general managers in Rx? Is that the  
2       question?

3               Q.       No, it's how many general  
4       managers --

5               A.       Reported up to me?

6               Q.       -- reported directly to you?

7                       MS. TABACCHI: Object to the  
8       form.

9                       THE WITNESS: Seven.

10              Q.       (BY MR. INNES) And by  
11       "reported directly to you," do you understand  
12       that to be you oversaw those seven general  
13       managers?

14                     MS. TABACCHI: Object to the  
15       form.

16                     THE WITNESS: They reported  
17       directly to me.

18              Q.       (BY MR. INNES) And how many  
19       general managers are there of DC 6045 --

20                     MS. TABACCHI: Object to the  
21       form.

22              Q.       (BY MR. INNES) -- in June of  
23       2017?

24              A.       In June of?

25              Q.       2017.

1           A.       There were, at that point,  
2       none. I mean, the -- 6045 ceased doing  
3       business in June -- or a little bit before,  
4       but prior to June of 2017.

5                   Oh, sorry. I got my dates  
6       wrong. '18. 2017, you asked; correct?

7           Q.       Yeah. So --

8           A.       So there was one general  
9       manager.

10          Q.       Yeah, so just so we're clear.

11          A.       Sorry on the dates here.

12          Q.       And we can -- the dates are  
13       confusing. I want to make sure we get them  
14       right.

15          A.       Right.

16          Q.       And the timeline is important  
17       to me, and to you, and to Walmart.

18                   I'm going to spend some time,  
19       basically the remainder of the day, talking  
20       about June '17 --

21          A.       Okay.

22          Q.       -- through May-April of 2018.

23          A.       Okay.

24          Q.       And I'm going to primarily do  
25       this in a chronological order. And I'll try

1 to be clear with my questions to make sure  
2 we're focused on particular points in time  
3 during that window.

4 A. Okay.

5 Q. So in June of 2017, how many  
6 general managers were there of DC 6045?

7 A. One.

8 Q. And who is that person?

9 A. Mike Mullins.

10 Q. Was there ever more than one  
11 general manager of DC 6045 between the time  
12 period of June 2017 and May-April of 2018?

13 A. No.

14 Q. Was Mr. Mullins the only  
15 general manager that held that position  
16 during that time period?

17 A. Correct.

18 Q. And did Mr. Mullins report  
19 directly to you?

20 A. Yes.

21 Q. Who reported -- strike that.  
22 How many folks, if any,  
23 reported to Mr. Mullins?

24 A. I couldn't tell you the number.

25 Q. Can you give me an estimate?

1           A.       I can't tell you the number. I  
2       don't have that org chart in my mind.

3           Q.       But there is an org chart that  
4       exists for that period of time?

5                   MS. TABACCHI: Object to the  
6       form.

7                   THE WITNESS: I couldn't tell  
8       you how many.

9           Q.       (BY MR. INNES) Slightly  
10       different question.

11                   Is there an org chart,  
12       organizational -- and by "org chart," do you  
13       mean organizational chart?

14           A.       Yes.

15           Q.       Is there an organizational  
16       chart or charts that covers the time period  
17       between June 2017 and May or April of 2018?

18           A.       Yes.

19           Q.       Sitting here today, can you  
20       recall anyone who has -- can you recall the  
21       members -- strike that.

22                   As you sit here today, can you  
23       recall the names of the employees, Walmart  
24       employees who reported to Mr. Mullins during  
25       the time period of June '17 to May of 2018?

1           A.       No. I think I answered that  
2       earlier. I can't recall who they were.

3           Q.       You can't recall even one?

4           A.       I can recall one.

5           Q.       I'd like you --

6           A.       But you asked me if I could  
7       recall all of them, I thought; right?

8                   What was the question?

9           Q.       I can rephrase the question. I  
10       believe I asked you if you recall anyone.

11          A.       So, I -- yes, I can recall  
12       some.

13          Q.       Which ones can you recall?

14          A.       I can recall Jeff Abernathy.  
15       Telinda Sabatini, I think is her last name.  
16       David Bonds, Josh Jane.

17          Q.       Let's see if we can't help out  
18       our court reporter here. So you've listed  
19       four names. Jeff Abernathy is one.

20                   Tilinda Sabatini?

21          A.       I --

22          Q.       Is it --

23          A.       I'm not sure that that's her  
24       last -- I know her -- "Talinda." I think  
25       it's Sabatini.

1 Q. So it's T-A-L-I-N-D-A? Or is  
2 it Linda, L-I-N-D-A?

3 A. Telinda is T-E-L-I-N-D-A, I  
4 believe.

5 Q. And David, is it Bonds?

6 A. B-O-N-D-S.

7 Q. There's a good 007 joke in  
8 there somewhere, I'm sure.

9 And it's Josh Janes?

10 A. Yes. I don't know if it's Jane  
11 or Janes.

12 Q. Anyone else that you can recall  
13 reporting directly to Mr. Mullins at that  
14 time?

15 A. Scott Easterling. Easterly.

16 Q. Anyone in addition to these  
17 five names?

18 A. That's all I recall.

19 Q. Do you recall Mr. Abernathy's  
20 title?

21 A. I don't.

22 Q. Do you recall Ms. Sabatini's  
23 title?

24 A. I don't.

25 Q. Do you recall David Bonds'



1 title?

2 A. I don't.

3 Q. Mr. Janes's title?

4 A. I don't.

5 Q. Mr. Easterly's title?

6 A. I don't recall the title.

7 Q. Did anyone -- of these five  
8 folks, is there anyone -- I'm going to ask  
9 this question maybe to hopefully head it off,  
10 but did anyone report up to these five  
11 people?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: Did anyone report  
15 up to those five people? They all  
16 have reports.

17 Q. (BY MR. INNES) They all have  
18 direct reports? I can go --

19 A. Every one of them has reports.

20 Q. So now let's just continue to  
21 build out this organizational chart.

22 Who reported to Jeff Abernathy?

23 A. Sharon.

24 Q. And what's Sharon's last name?

25 A. I don't recall.

1 Q. Anyone else other than Sharon  
2 report to Mr. Abernathy?

3 A. I don't recall.

4 Q. And to be clear, this list of  
5 five folks, Mr. Abernathy, Ms. Sabatini,  
6 Mr. Bonds, Mr. Janes and Mr. Easterly, is  
7 that an exhaustive list of --

8 A. I don't recall if there are any  
9 others.

10 Q. I just wanted to make sure that  
11 the record was clear on that.

12 Who, if anyone -- I'm sorry,  
13 strike that.

14 Who reported to Ms. Sabatini?

15 A. I don't recall.

16 Q. And who reported to Mr. Bonds?

17 A. I wouldn't -- I don't recall.

18 Q. And who reported to Mr. Janes?

19 A. I don't recall.

20 Q. And who reported to Mr. --  
21 Mr. Easterly?

22 A. I don't recall.

23 Q. But if you had an org chart for  
24 that time period, we could obtain that  
25 information; is that right?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: I don't recall  
4 who reports to them.

5 Q. (BY MR. INNES) Okay. But do  
6 you recall if an organizational chart exists  
7 for this time period? 2000 --

8 A. I don't know that there's an  
9 organizational chart that will have everybody  
10 that reports to them. I don't know if that's  
11 accurate or not.

12 Q. So if we wanted to know who the  
13 direct reports are to each one of these  
14 individuals, we'd have to ask those  
15 individuals; is that right?

16 MS. TABACCHI: Object to the  
17 form.

18 THE WITNESS: I don't know,  
19 because I -- I don't know.

20 Q. (BY MR. INNES) Do you have any  
21 reason to believe that Mr. Abernathy wouldn't  
22 know who his direct reports were?

23 A. He would know.

24 Q. And the same for the other  
25 individuals?

1 A. Absolutely.

2 Q. So your testimony is you  
3 believe that Walmart ceased the distribution  
4 of Schedule IIs in or about April or May of  
5 2018; is that right?

6 A. Correct.

7 Q. When did you first learn that  
8 Walmart would cease the distribution of  
9 Schedule IIs?

10 MS. TABACCHI: I'm just going  
11 to caution the witness not to reveal  
12 the substance of any communications  
13 with counsel. If you have an  
14 understanding that does not involve  
15 counsel, you may answer.

16 THE WITNESS: I don't recall  
17 the -- I don't recall the date. I  
18 don't recall.

19 Q. (BY MR. INNES) Was it before  
20 you took on the role of -- your present role?

21 A. Rephrase the question for me?

22 Q. Sure. Did you become -- prior  
23 to taking your current position --

24 A. Right.

25 Q. -- as vice president of health

1 and wellness, print solutions --

2 A. Right.

3 Q. -- were you aware that Walmart  
4 intended to exit the distribution of  
5 Schedule IIs?

6 A. No. I had no idea of the  
7 pharmacy distribution centers before I took  
8 on the role.

9 Q. So to the best of your  
10 recollection, any knowledge you had about  
11 Walmart's intention to exit the distribution  
12 of Schedule IIs occurred after June of 2017?

13 A. Yes.

14 Q. What training, if any, did you  
15 receive from Walmart regarding its --  
16 regarding the distribution of Schedule IIs?

17 A. So when I took on the job, I  
18 sat down with my predecessor, and we talked  
19 through the different aspects of the  
20 business.

21 Q. And by "took on the job," do  
22 you mean when you decided to accept the  
23 position or when you formally were placed in  
24 that position?

25 A. There probably were some prior

1       conversations a couple of weeks before. But  
2       in that same timeframe; right?

3               Q.       Sure.

4               A.       I had a conversation with my  
5       predecessor.

6               Q.       And your predecessor was  
7       Chad Ducote?

8               A.       Correct.

9               Q.       So you had conversations in or  
10       around your transition from your prior role  
11       into your current role with Mr. Ducote?

12              A.       Correct.

13              Q.       Did any of those discussions  
14       involve Walmart's distribution of opioids?

15              A.       The discussions were broad  
16       discussions about, "Debbie, here are the DCs,  
17       here's the managers, here's the operations."  
18       And so that was the type of discussion it  
19       was.

20              Q.       Okay. So other than broad,  
21       high-level discussions -- strike that.

22                      MR. INNES: We've been going  
23       for maybe an hour now, right?

24                      THE VIDEOGRAPHER: Hour and 15.

25                      MR. INNES: I'm about to jump

1           into another long topic. Maybe we  
2           take -- you know, take five, ten.

3           I mean, you guys --

4           We can go off the record.

5           THE VIDEOGRAPHER: 9:21. We  
6           are off video record.

7           (Recess taken, 9:21 a.m. to  
8           9:38 a.m.)

9           THE VIDEOGRAPHER: 9:38. We  
10          are on the video record.

11          Q.       (BY MR. INNES) Okay.

12          Ms. Hodges, we're back from our first morning  
13          break. I just wanted to take the opportunity  
14          to go back and cover one area that I missed.

15                 You -- I believe your prior  
16          testimony is that you've given a deposition  
17          before?

18          A.       Yes.

19          Q.       How many times have you sat for  
20          a deposition?

21          A.       A couple.

22          Q.       Were those all in the same  
23          case?

24          A.       No.

25          Q.       So two separate cases?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: Yes.

4 Q. (BY MR. INNES) I can re-ask  
5 the question.

6 By "couple" do you mean two?

7 A. Yes.

8 Q. Do you recall if you've given  
9 more than two depositions?

10 A. I don't recall.

11 Q. And I know you have a JD, so  
12 just so we're clear, when we're referring to  
13 depositions, these are depositions where you  
14 were being deposed?

15 A. Correct.

16 Q. Have you taken depositions  
17 before?

18 A. No.

19 Q. The first case where you sat  
20 for a deposition, when was that? Approximate  
21 year?

■ ■ ■ ■ ■  
■ ■ ■ ■ ■  
■ ■ ■ ■ ■  
■ ■ ■ ■ ■



[illegible]

■                    ■                    ■                    ■  
■                    ■  
■                    ■                    ■  
■                    ■

5                    I'll strike that.

6                    The second case you sat for a  
7 deposition, what was the nature of that case?

8                    A.            There was a real estate case  
9 with Walmart.

10                  Q.            Okay. And was Walmart the  
11 plaintiff or the defendant in that case?

12                  A.            Defendant.

13                  Q.            And did this case take place  
14 during the time period where you were in the  
15 real estate division at Walmart?

16                  A.            I don't -- don't know that the  
17 case took place while I was in the real  
18 estate. It was about the real estate.

19                  Q.            Okay.

20                  A.            It was about a deal.

21                  Q.            All right. And what was the  
22 exact -- strike that.

23                                  You were not a party to that  
24 litigation, were you?

25                                  MS. TABACCHI: Object to the

1 form.

2 Q. (BY MR. INNES) You were not  
3 named as a defendant in that case?

4 A. No.

5 Q. Okay. Let's go back closer to  
6 present day.

7 June of 2017 is when you took  
8 on the role of vice president, health and  
9 wellness, printing solutions; is that right?

10 A. Correct.

11 Q. Prior to taking on that role,  
12 what was your knowledge, if any, of Walmart's  
13 obligations as a distributor of controlled  
14 substances?

15 A. I had no knowledge.

16 Q. As you sit here today, do you  
17 have any knowledge as to Walmart's  
18 obligations as a distributor of controlled  
19 substances between June of 2017 and May or  
20 April of 2018?

21 MS. TABACCHI: I'm just going  
22 to caution the witness. You may  
23 answer that question "yes" or "no."  
24 I'm just going to caution the witness  
25 not to reveal the substance of any

1           communications with counsel.

2                       If you can answer without  
3           revealing the substance of  
4           communications with counsel, you may.  
5           But it's a yes-or-no question. I just  
6           don't want you to expand about any  
7           conversation with any counsel.

8                       I'm sorry, do you want to  
9           repeat your question for her so she  
10          knows what your question was?

11                      MR. INNES: Sure. I'll read  
12          back the question.

13                      Q.       (BY MR. INNES) As you sit here  
14          today, do you have any knowledge as to  
15          Walmart's obligations as a distributor of  
16          controlled substances between June 2017 and  
17          May or April of 2018?

18                      A.       No.

19                      Q.       Were you aware that Walmart was  
20          a registrant -- or was registered to  
21          distribute Schedule II products between  
22          June '17 and May of 2018?

23                      A.       Yes.

24                      Q.       And are you aware of any  
25          obligations that Walmart may or may not have

1       had as a registrant?

2               A.       That's very broad. Can you  
3       repeat that question?

4               MR. INNES: Can you read that  
5       question back, please?

6               (The following portion of the  
7       record was read.)

8               "QUESTION: And are you aware  
9       of any obligations that Walmart may or  
10      may not have had as a registrant?"

11              (End of readback.)

12              MS. TABACCHI: Object to the  
13      form.

14              THE WITNESS: If you could  
15      clarify and ask me some specifics  
16      rather than that real broad, I think  
17      it would be better for me to answer --  
18      a better approach. I'm not sure where  
19      you want to go with that.

20              I mean, I'm not sure what the  
21      question is.

22              Q.       (BY MR. INNES) Between June of  
23      2017 and May of 2018, are you aware of any  
24      obligations Walmart had vis-à-vis the  
25      Controlled Substances Act?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: So you're asking  
4 if I have any obligation -- or if I  
5 know of any obligation as it relates  
6 to the Act. Is that how you couched  
7 it?

8 MR. INNES: I'll try to  
9 rephrase the question.

10 Q. (BY MR. INNES) Between June of  
11 2017 and May of 2018 --

12 A. Right.

13 Q. -- what was your understanding,  
14 if any, of Walmart's obligations under the  
15 Controlled Substances Act as it relates to  
16 the distribution of Schedule II opioids?

17 A. So when I took the position, I  
18 think -- I'll back up.

19 I talked to -- had a  
20 conversation with Chad, but then I also had  
21 some conversation with -- with some of the --  
22 what I call support team. My support team.

23 And so in those conversations,  
24 I learned what C-IIIs were, and I learned -- I  
25 learned what C-IIIs were.

1           Q.       So the conversations that you  
2       had, the only thing you learned in those  
3       conversations was what a C-II is?

4                   MS. TABACCHI:   Object to the  
5       form.

6                   THE WITNESS:   No, I learned  
7       what C-IIs were, and I learned the  
8       process.

9                   I was communicated to the -- I  
10      call it the process of how we move  
11      those goods. That's what I learned.

12          Q.       (BY MR. INNES)   How was the  
13      process of how you moved those goods -- and  
14      by "those goods" you're referring to  
15      Schedule IIs?

16          A.       Yes.   That was the question;  
17      right?

18          Q.       How was the process of how  
19      Walmart moves Schedule IIs communicated to  
20      you?

21          A.       So they simply -- so I spoke  
22      with Mike Mullins.   So he was general  
23      manager.   And he walked me through, "Debbie,  
24      here's how -- here's what they are, but  
25      here's how they also move through the

1 facility. Here's how we receive them.

2 Here's how we handle them. Here's how we  
3 outbound them."

4 So I learned all of that.

5 Q. In layman's terms, "outbound"  
6 means putting it from the DC onto a carrier  
7 or a truck?

8 A. Correct. Correct.

9 Q. So your conversations with  
10 Mr. Mullins, did they expand beyond the  
11 physical handling of Schedule IIs?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: He -- he -- it  
15 was tactical. The conversation. He  
16 was walking me through the -- what I  
17 call tactical process; right?

18 Q. (BY MR. INNES) Okay. So can  
19 you just explain to me what you mean by  
20 "tactical process"?

21 A. When you have a delivery, the  
22 delivery, the processing, and the outbound.  
23 That's what I mean by "tactical processing."  
24 So Mike walked me through that.

25 Q. So is it fair to say that the



1 tactical process is when an order comes to  
2 you, DC 6045, in this instance, and that when  
3 that -- the processing of that order, to move  
4 a pill from order to carrier?

5 A. When you say "move a pill,"  
6 it's the inbound of the goods. And so of  
7 the -- it's the inbound of the boxes. Right?  
8 And it's the movement of those boxes through  
9 the facilities and what measures we took for  
10 the movement and for the security. And then  
11 it's the processing or the picking -- I call  
12 that processing -- the picking of those pills  
13 to fulfill the order. And then the closure  
14 of the boxes, and then the outbound.

15 And so when you -- and you  
16 referred to it. The outbound is when you put  
17 it -- when it goes from the filling process  
18 to the dock, to actually put it with a  
19 carrier.

20 Q. Okay. And thank you for that  
21 clarification, because I think I was focused  
22 on a subset of that process.

23 You were responsible for taking  
24 delivery of Schedule IIs from manufacturers?

25 A. Correct.

1 Q. Okay. And then managing the  
2 process of when that box comes into the DC,  
3 and when the items in that box leave the DC.

4 A. When that box comes into the  
5 DC, when those boxes are actually -- I call  
6 slotted -- in the picking area. And then  
7 when the boxes are closed, and then the boxes  
8 are, as you've put it, out -- I call it  
9 outbound, but when they actually outbound  
10 to -- with -- on the carrier to the  
11 facilities.

12 Q. I will do my level best to  
13 adopt your language and your jargon here.

14 A. I'm just for -- I just don't  
15 want there to be any confusion.

16 Q. Absolutely. That's one of our  
17 shared goals today.

18 So when you took over in June  
19 of 2017, in that role, did Walmart have an  
20 obligation to monitor orders of controlled  
21 substances?

22 A. So when I took over, I also sat  
23 down with -- I referred to the support team;  
24 right? And support team was my compliance  
25 team.

1                   And so my compliance team  
2                   walked me through the process of what the  
3                   order monitoring was.

4                   Q.           Okay. So thank you for that.  
5                   My question is slightly different. And it's  
6                   yes -- it can be a yes-or-no question.

7                               When you took over in that role  
8                   in June of '17, did Walmart have an  
9                   obligation to monitor orders of controlled  
10                  substances?

11                               MS. TABACCHI: Object to the  
12                  form.

13                               THE WITNESS: Yes.

14                  Q.           (BY MR. INNES) And your  
15                  awareness of that obligation was based on  
16                  your discussions with your support team?

17                  A.           Not only my support team, but  
18                  my direct.

19                               So I had conversations as  
20                  probably most people do when they sit down  
21                  and they talk through their direct reports.  
22                  They talk through their support team, when  
23                  they take over new roles. So it came from  
24                  directs as well as support.

25                               I think you couched it just as

1 support, but it came from both.

2 Q. I did. And thank you for that  
3 clarification.

4 So your directs -- when you say  
5 "directs," you mean the folks that reported  
6 up through the chain of command directly to  
7 you?

8 A. Correct.

9 Q. And the support team, are  
10 those -- those folks are different from your  
11 direct reports?

12 A. Correct.

13 Q. Okay. Who are the members of  
14 your support team?

15 A. So there's many members --

16 MS. TABACCHI: Objection, form.

17 THE WITNESS: So there's our  
18 compliance team, our legal team, our  
19 maintenance team, our reliable  
20 operations team, our new ways of  
21 working team. I have a lot of  
22 different support teams.

23 So those would be the support  
24 functions and teams.

25 Is that -- was there two parts

1 to that question?

2 Q. (BY MR. INNES) Well, I  
3 think -- maybe not two parts, but I can try  
4 to focus us a little bit more.

5 I'm curious about who are the  
6 support team members that educated you as to  
7 Walmart's obligation to monitor controlled  
8 substances.

9 A. One of the support members was  
10 Miranda Johnson. And so she's on our  
11 compliance team, the compliance support team.

12 Q. Anyone else?

13 A. She was the main source of  
14 information from a support standpoint.

15 Q. Right. That's correct. I'm  
16 asking who are the members of the support  
17 team.

18 A. It was Miranda Johnson.

19 Q. Okay. Anyone else?

20 A. Well, she would -- I think  
21 George Chapman might have had some sit-ins  
22 there with her. She would -- they may have  
23 been together. But Miranda was the main  
24 source.

25 Q. Okay. And when you refer to

1 "sit-ins," are those meetings with you and  
2 Ms. Johnson and Mr. Chapman?

3 A. The majority of -- I mean, what  
4 I recollect is that Miranda had conversations  
5 with me. I remember George coming over once.

6 Q. So to recap, in June of '17,  
7 your knowledge of Walmart's obligations to  
8 monitor controlled substances was based on  
9 conversations with Miranda Johnson and maybe  
10 Mr. Chapman?

11 A. Predominantly Miranda Johnson,  
12 yes.

13 Q. Anyone else?

14 A. Are you talking support?

15 Q. Yes. We're now -- we're  
16 talking about --

17 A. No. That's -- that was my main  
18 source of support.

19 Q. And, again, I'm trying to drive  
20 to the exact people. And the responses  
21 you're giving me have certain qualifiers on  
22 them. So I apologize if I keep asking the  
23 same question.

24 A. That's okay.

25 Q. Ms. Johnson, Mr. Chapman.

1       Anyone else on the support team?

2               A.       No.   That's the support --

3               Q.       Okay.

4               A.       -- that gave me that  
5       information.

6               Q.       Okay.   Thank you.   And who were  
7       the folks on the -- who of your direct  
8       reports gave you information regarding  
9       Walmart's obligations to monitor C-IIs in  
10      June of '17?

11              A.       So Ramona Sullins.   Direct  
12      report.   She was the source of information  
13      from the -- from my direct support.

14              Q.       Anyone else?

15              A.       I saw presentations but -- and  
16      I say I saw presentations, but Ramona always  
17      walked me through what those presentations.  
18      Right?   So Ramona was a source.

19              Q.       And when you -- what do you  
20      mean by "presentations"?

21              A.       I mean that Ramona would walk  
22      me through -- she verbalized, "Debbie,  
23      here's -- you know, "Here's what C-IIs are.  
24      Here's the process and the obligations," as  
25      you put it.   Here's what -- how we handle

1 things. And we do it because we're re --

2 No, we do it -- well, and

3 "Here's how we handle things." And then she  
4 had Ray -- I recollect that -- she gave me --  
5 she was educating me; right? "Deb, here's  
6 what C-IIs are." And Deb -- so she had a  
7 very simple, "Here's what C-IIs are." And I  
8 don't remember what it looked like, but I  
9 remember she had a one-sheeter that said,  
10 "Here's a C-II." And I was like, okay, got  
11 it. It was an education piece.

12 Q. Okay. So you said  
13 "presentations." Were there multiple  
14 presentations that were given?

15 A. No.

16 Q. And then you also --

17 A. There were multiple  
18 conversations.

19 Q. Okay.

20 A. I didn't get it the first time.  
21 They had to talk to me several times.

22 Q. Neither did I. I'm in the same  
23 boat.

24 The one-sheeter.

25 A. I --



1 Q. What's that?

2 A. I -- I don't have -- there's  
3 not a specific one-sheeter. It was just a --  
4 she was trying to explain to me what C-II is,  
5 and I was like, "Okay, just tell me what a  
6 C-II is." Right?

7 I don't have a document that's  
8 a one-sheeter.

9 She would -- she would refer --  
10 she had a reference to something as to what  
11 C-IIs were.

12 Q. And a "reference to something,"  
13 was it a document?

14 A. It was -- it may have even just  
15 been her notes. But she referenced something  
16 sitting in front of me.

17 She didn't just walk in and  
18 say, "Here I am," right?

19 She had a pad and she  
20 referenced something. I don't recall seeing  
21 a --

22 I called it a one-sheeter, but  
23 the answer is, she referenced something when  
24 she was talking to me.

25 Q. Okay. How many conversations

1 did you have with Ramona?

2 A. Well, she's my direct report.

3 I have one-on-ones with her.

4 So -- and I have one-on-ones  
5 with her, what, every other week? So we  
6 could do the math and figure that out,  
7 but ...

8 Q. We'll save that math problem.  
9 I think we've done enough math today.

10 A. Okay.

11 Q. One thing is, sometimes I have  
12 a slow cadence and I don't think I got my  
13 question out fully before you started  
14 answering.

15 A. Okay. Sorry.

16 Q. It's absolutely fine. But I'm  
17 just going to ask you -- it's going to sound  
18 similar, but it's now going to be a complete  
19 question.

20 Just let me go back and see  
21 where we are.

22 How many conversations did you  
23 have with Ramona in June of '17 regarding to  
24 educate you as to Walmart's obligations under  
25 the CSA?

1           A.       I don't recall how many.

2           Q.       Did Ramona ever give you  
3 documents to review?

4           A.       No.

5           Q.       So the document that -- the  
6 one-sheeter that you just referred to, Ramona  
7 never gave you a copy of that?

8           A.       No.

9           Q.       Okay.

10          A.       She never gave me a copy of her  
11 notes. If that's what -- or whatever it was  
12 she had. She was referring to something. I  
13 don't remember if it was a formal  
14 presentation or her notes, but she -- she  
15 taught me, for lack of a better word, off of  
16 something; right?

17          Q.       And did she give you any  
18 materials whatsoever in those conversations?

19                   MS. TABACCHI: Object to the  
20 form.

21          Q.       (BY MR. INNES) Any documents in  
22 that -- those conversations?

23          A.       Not that I recall. Not that I  
24 recall.

25          Q.       Did you take notes during those

1       conversations?

2               A.       No.

3               Q.       Your conversations with  
4       Miranda Johnson regarding Walmart's  
5       obligations to order -- to monitor orders of  
6       controlled substances. And I want to focus  
7       you on conversations you had in June. The  
8       ones that --

9               A.       And I --

10              Okay. I don't know that they  
11       happened in June, but they happened.

12              Q.       Okay.

13              A.       I don't recollect the  
14       timeframe.

15              Q.       So we started this colloquy  
16       with the yes-or-no question when you took  
17       over in June '17, did Walmart have an  
18       obligation to monitor controlled substances.  
19       I believe you agreed with that statement; is  
20       that right?

21              A.       I did. I did.

22              Q.       And I asked you what the basis  
23       for your agreement was with that obligation?

24              A.       And I said I met with different  
25       individuals. And I met --

1                   So when I met with individuals,  
2       I met with them for a couple of months,  
3       different -- you know, I had direct reports,  
4       I had indirect. I was learning the business.  
5       And so if you're trying to say I met with  
6       them in June, I can't tell you when I met  
7       with them. I do know, though, that in the  
8       process, I met with my support team and my  
9       directs.

10                Q.       But I want to make sure that  
11       you understand the question and that the  
12       record is clear.

13                A.       Okay.

14                Q.       You had an understanding in  
15       June of 2017 of Walmart's obligation to  
16       monitor orders of controlled substances; is  
17       that right?

18                A.       I was beginning to learn the  
19       understanding of C-IIs -- or learn what C-IIs  
20       were. I was being educated. And I was  
21       learning what those processes were. I mean,  
22       I've testified that I talked to Mike Mullins,  
23       and -- because that -- that's my obligation,  
24       to understand how to move goods. Right?

25                       And so -- and I also began to

1 understand what the processes were for the --  
2 as you refer to them, as the obligations. I  
3 don't know by the end of June if I had it  
4 conquered or even knew completely about it.  
5 I knew that I started meeting, and I don't  
6 have a recollection as to when those dates of  
7 those meetings were. That's what I know.

8 Q. What was your understanding  
9 of -- in June of '17, what did you understand  
10 to be Walmart's obligations as related to the  
11 monitoring of orders of controlled  
12 substances?

13 A. Over the course of time, I  
14 learned that we -- that there were processes  
15 that we had to -- had to ensure that we  
16 adhered to; right?

17 And so that's what I learned.

18 Q. I'm going to try to get at this  
19 a slightly different way. I'm not -- I'm  
20 honestly not trying to be tricky or cagey  
21 here. I'm trying to understand how you --  
22 what your understanding was of the  
23 obligations.

24 A. Okay.

25 Q. The particular obligations

1       that --

2               A.       So I learned that -- the  
3       obligations; right?

4               Q.       Right?

5               A.       You keep hounding on this June,  
6       and I can't tell you if I knew it by June.  
7       And so that -- that's why -- I'm not trying  
8       to be cagey either, but I'm just telling you,  
9       that's what you're nailing this question on,  
10      and I can't tell you if I had a complete  
11      understanding by June.

12              Q.       Right. And the premise of this  
13      line of questioning was in June, you said you  
14      had an understanding of Walmart's obligations  
15      to monitor orders of controlled substances.

16              A.       I was beginning to --  
17                      Let me course-correct.

18              Q.       Okay.

19              A.       I was beginning to learn what  
20      the C-IIs were. I was beginning to learn the  
21      processes of moving the goods, and I was  
22      beginning to learn, as I sat down with the  
23      direct reports and indirect reports, what  
24      those -- what that was and what that looked  
25      like.

1                   But did I have a complete  
2     understanding? You know, I don't recollect  
3     if I had a complete understanding by June.  
4     In fact, I would tell you I probably didn't  
5     have a complete understanding, because that  
6     would be a very short timeframe for me to  
7     understand all of that.

8                 Q.       Certainly. We're not  
9     computers. We can't plug in and download and  
10    know everything we need to know. So it's an  
11    education over a continuum.

12                When -- at what point in time  
13    did you have a full understanding of  
14    Walmart's obligations to monitor orders of  
15    controlled substances?

16                MS. TABACCHI: Object to the  
17    form.

18                THE WITNESS: Yeah, and I  
19    don't -- I don't have a date that I  
20    had a full understanding. It was an  
21    evolution of education for me.

22                Q.       (BY MR. INNES) Was there a  
23    point in time when you became comfortable  
24    that you had a grasp on Walmart's obligations  
25    to monitor substances under the --



1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: I would tell you,  
4 after the first couple of months,  
5 three months, I had an understanding  
6 of tactical. I had an understanding  
7 of the processes, yes.

8 Q. (BY MR. INNES) Okay. So we're  
9 talking about September of '17, October of  
10 '17 conservatively, about when --

11 A. I don't know that I have -- I  
12 mean, you're -- I'm sure there's stuff that I  
13 don't know today about it. I don't know  
14 that --

15 You said "When did you have a  
16 full understanding?" I can't give you an  
17 exact date. But I -- I evolved as I got  
18 educated; right?

19 Q. Sure.

20 As you sit here today, what is  
21 your understanding of Walmart's -- what was  
22 your understanding of Walmart's obligation to  
23 monitor the orders of controlled substances  
24 during the time period of June '17 to May of  
25 '18?

1 MS. TABACCHI: I'm just going  
2 to object to the form and again  
3 caution the witness not to reveal the  
4 substance of communications with  
5 counsel.

6 You may answer the question if  
7 you can do that without revealing a  
8 privilege.

9 MR. INNES: Before you answer,  
10 I just want to respond to the  
11 privilege instruction.

12 I'm not sure that I understand  
13 your privilege instruction. She's  
14 certainly -- do you want to articulate  
15 that a little bit better?

16 MS. TABACCHI: You're asking  
17 the witness to share her  
18 understanding -- you've been asking a  
19 number of questions of an obligation  
20 that you consider to be a legal  
21 obligation. You're asking the witness  
22 about her understanding of a legal  
23 obligation that the company had. And  
24 to the extent that she has an  
25 understanding based on conversations

1 with counsel, those communications  
2 would be privileged.

3 So I just don't want her to  
4 share information that she learned  
5 from lawyers.

6 She can answer the question.  
7 I'm just trying to protect the  
8 privilege of the company.

9 MR. INNES: But you understand  
10 that in her role, she is responsible  
11 for Walmart -- carrying out Walmart's  
12 compliance with --

13 THE WITNESS: No.

14 MR. INNES: -- the Controlled  
15 Substances Act.

16 MS. TABACCHI: Okay. Well,  
17 there's not a question pending, but I  
18 think that's part of the confusion is  
19 that you're making some assumptions.

20 MR. INNES: I don't think  
21 there's any confusion here at all.  
22 But we can take the answer to the  
23 question.

24 MS. TABACCHI: You're presuming  
25 that she had a compliance obligation.

1 I think that's what you just said.

2 MR. INNES: So we have an order  
3 in this case from Judge Polster that  
4 discusses the metes and bounds of  
5 privilege as it relates to suspicious  
6 order monitoring. My questions are  
7 directed at Walmart's suspicious order  
8 monitoring program.

9 MS. TABACCHI: You are free to  
10 ask any question about what Walmart  
11 did, what Walmart's program was, what  
12 Walmart's policies were. I'm just  
13 asking that you not ask about  
14 conversations between the witness and  
15 the lawyers that are protected by the  
16 attorney-client privilege.

17 If you want to ask about what  
18 Walmart's suspicious order monitoring  
19 policies were, process, program, yes.  
20 Ask those questions. We're not trying  
21 to prevent you from getting that  
22 information. We're just not going to  
23 have witnesses testify about the  
24 conversation with a lawyer.

25 MR. INNES: And I'm not asking

1           about conversations with a lawyer.

2                   MS. TABACCHI:   Okay.

3                   MR. INNES:   I can preface each  
4           one of these questions that I'm not  
5           interested in conversations with a  
6           lawyer.  I'm only interested in her  
7           understanding of the obligations that  
8           she had to carry out.  That's the  
9           question.

10                   THE WITNESS:   So, the question?

11                   MS. TABACCHI:   Hold on.  Wait  
12           until he asks you a question.

13                   Are you and I finished?

14                   MR. INNES:   I'm finished,  
15           unless you --

16                   MS. TABACCHI:   No, no, that's  
17           fine.

18                   MR. INNES:   Now I've had a long  
19           colloquy.  I'm going to have trouble  
20           finding this question.  Bear with me  
21           for a second here.

22                   MS. TABACCHI:   It's okay.  Just  
23           wait until he asks you a question,  
24           then you can answer it.

25           Q.       (BY MR. INNES)  As you sit here

1       today, what is your understanding of  
2       Walmart's obligation to monitor the orders of  
3       controlled substances during the time period  
4       June '17 to May '18?

5               A.       So our obligation is to  
6       understand what we have as inbound of  
7       product. And so what those C-IIs, how we  
8       inbound them. And our obligation is to make  
9       sure that those are secure.

10                      Our obligation is to ensure --  
11       when we are picking the product, our  
12       obligation is to ensure that we have an  
13       accurate count of the product, and that we  
14       pick that product that is what the PO tells  
15       us to pick the product.

16                      And then our obligation is to,  
17       once again, ensure security of that product  
18       on the outbound, and to ensure that we have  
19       not only picked it, but that we ready it, for  
20       lack of a better word, for the carrier to  
21       pick it up.

22                      So that is my obligation -- or  
23       my understanding of our obligation.

24               Q.       And I just want to be clear.  
25       Your testimony there is limited to the time

1 period of June '17 to May '18; is that right?

2 A. Correct.

3 Q. And just -- this gets a little  
4 confusing because Walmart has decided to exit  
5 the business.

6 A. Correct.

7 Q. And you're speaking in the  
8 present tense and I'm trying to bring you  
9 back to the time period when Walmart's  
10 distributing C-IIs.

11 A. I just walked you through the  
12 time period when we distributed.

13 Q. It was just given in present  
14 tense, so that's my problem.

15 A. Oh, sorry.

16 Q. Not a problem. And it's  
17 probably easier for you to give it in present  
18 tense, and maybe I'll have to go back and  
19 make a qualification. But my questions are  
20 limited to that time period.

21 A. Okay.

22 Q. I'm trying to make that clear.

23 So I'll move to strike that  
24 answer starting with -- following  
25 "obligation."

1                   The question is slightly  
2     different. The question is directed to your  
3     obligation to monitor orders.

4           A.       Okay.

5           Q.       And perhaps my question wasn't  
6     clear enough. I'll ask it this way.

7                   As you sit here today, what is  
8     your understanding of Walmart's obligation to  
9     order -- to monitor orders from its  
10    pharmacies of controlled substances during  
11    the time period of June '17 to May '18?

12           A.       Hang on. Back up. Your voice  
13    dropped when you said "pharmacies" or  
14    something. Just repeat it for me, please.

15           Q.       And I know I'm not looking at  
16    you, and I'm very sorry about that.

17           A.       It's all right. I can watch.

18           Q.       I'll try and be clear.

19                   As you sit here today, what is  
20    your understanding of Walmart's obligation --  
21    what is your understanding of Walmart's  
22    obligation to monitor orders from its  
23    pharmacies of controlled substances during  
24    the time period June '17 to May of '18?

25                   MS. TABACCHI: Did you hear



1                   that?

2                   THE WITNESS: Yes, I did.

3                   I have no knowledge of the  
4                   obligation to monitor from our  
5                   pharmacies. Pharmacies. I have no  
6                   knowledge of that.

7                   Q.       (BY MR. INNES) Okay.

8                   A.       From our pharmacies.

9                   Q.       I'm talking about -- I'm not  
10                  talking about pharmacies in the dispensing  
11                  context, if that's the confusion. I'm  
12                  talking about --

13                  A.       But that's how -- that's why we  
14                  need clarification; right? Because you said  
15                  "pharmacies." That's pharmacies. And  
16                  "pharmacies," to me, means pharmacies in the  
17                  stores.

18                  Q.       Okay.

19                  A.       And I have no knowledge of  
20                  that.

21                  Q.       We can do this a slightly  
22                  different way.

23                               Orders for Schedule IIs between  
24                  June '17 and May '18. The time period that  
25                  you held that position.

1 A. Okay.

2 Q. Orders were placed by  
3 pharmacies for Schedule II --

4 A. By who?

5 Q. By pharmacies. By Walmart's  
6 pharmacies for Schedule II narcotics; isn't  
7 that right?

8 A. They were placed by pharmacists  
9 and by the system.

10 Q. Okay. During your time in  
11 June '17 to May '18, pharmacists --  
12 pharmacies placed orders through the system,  
13 and those orders were fulfilled by DC 6045;  
14 is that right?

15 A. That's correct.

16 Q. What is your understanding of  
17 Walmart's obligation to monitor those orders?

18 A. Our obligation -- or my  
19 understanding, once again, coming from our  
20 compliance team, our -- my understanding is  
21 that we had a process in place to monitor  
22 those orders that came through, and to  
23 monitor those orders that went on outbound.  
24 We had an obligation.

25 Q. Okay. Let's break that down.

1 A. Yeah.

2 Q. Can you describe that process?

3 A. Sure.

4 MS. TABACCHI: Object to the  
5 form.

6 THE WITNESS: So that process  
7 started with the inbound of the  
8 orders. And in that inbound of the  
9 orders, they're downloaded. Those  
10 orders are downloaded to the DC.

11 And are you talking 2017?

12 Q. (BY MR. INNES) I'm talking  
13 June -- in June 2017.

14 A. So then those were inbounded in  
15 a system -- in a system. And that system  
16 then had thresholds. And if those thresholds  
17 were triggered, then the process was that  
18 then those orders went into a pend status,  
19 what we call pend, or pending, and went over  
20 to a monitoring -- a SOM team, suspicious  
21 order monitoring team.

22 Q. Okay. So you used a lot of  
23 jargon there that I want to clean up.

24 So they "inbound." Is that the  
25 order from the pharmacy to the DC?

1 A. Correct.

2 Q. And that --

3 A. It's a different inbound than  
4 I've been talking about than the drugs.

5 Q. Good. That was the  
6 clarification I wanted to make. Thank you.

7 When you say "downloaded to the  
8 DC," what does that mean?

9 A. The system pulled in those  
10 orders. And when I say "pulled in," it was  
11 downloaded.

12 Q. And --

13 A. And I'm not a technical guru,  
14 but they were downloaded. So they were  
15 received through the system to our DC.

16 Q. What was the name of that  
17 system?

18 A. Reddwerks.

19 Q. Was that a manual process?  
20 Meaning did someone have to click a button to  
21 make that download or was it an automated  
22 system?

23 MS. TABACCHI: Object to the  
24 form.

25 THE WITNESS: My understanding

1 is it's an automated download.

2 Q. (BY MR. INNES) Then the next  
3 step in the process as I have it, they were  
4 downloaded to the DC and then inbound to  
5 the system?

6 A. So it was downloaded to the DC,  
7 which -- same verbiage, which was inbound to  
8 the DC. It just came inbound through that  
9 download.

10 Q. Okay. That --

11 A. I think that's all one step.

12 Q. Okay. Thank you.

13 And you mentioned that there  
14 were thresholds. What are thresholds?

15 A. I can't give you the definition  
16 of thresholds. I was given from Miranda that  
17 there were thresholds.

18 Q. Okay.

19 A. And so I don't know any detail  
20 beyond that on the thresholds. But there  
21 were thresholds she communicated to me.

22 Q. Which thresholds did she  
23 communicate to you?

24 A. I don't remember.

25 She communicated to me the word

1 "thresholds." She didn't give me details  
2 around thresholds.

3 Q. Did you ask her what she meant  
4 by the word "thresholds"?

5 A. She -- I don't recall at the  
6 time if she said, "Debbie, there are  
7 thresholds."

8 Q. So we're in the time period of  
9 June 2017; correct?

10 A. Pardon me?

11 Q. Your testimony is June of '17;  
12 Is that correct?

13 A. Yes.

14 Q. At any time after June of '17,  
15 did you become aware of what these thresholds  
16 were?

17 A. No.

18 Q. As you sit here today, you have  
19 no recollection of what a threshold is?

20 MS. TABACCHI: Object to the  
21 form.

22 THE WITNESS: I don't know what  
23 the specific thresholds are. I know  
24 the terminology "threshold."

25 Q. (BY MR. INNES) How did

1 Ms. Johnson communicate the word "threshold"  
2 to you?

3 A. She said, "Debbie, there are  
4 thresholds."

5 Q. Okay.

6 A. That's -- that's all she said.

7 Q. Some of these questions can be  
8 stilted. It was an oral conversation?

9 A. Yes, it was.

10 Q. It didn't come via email?

11 A. Yes.

12 No, no, it didn't come by  
13 email. She said, "Debbie, there are  
14 thresholds."

15 Q. Okay.

16 A. And I'm like, "Okay."

17 Q. End of conversation?

18 A. Mm-hmm. (Witness nods.)

19 MS. TABACCHI: Object to the  
20 form.

21 Q. (BY MR. INNES) Was that the  
22 end of the conversation?

23 A. Well, no, she didn't get up and  
24 walk out of my office after she said there  
25 are thresholds and exit. She went on to tell

1 me the other process.

2 Q. Is all the information that you  
3 relayed to me about this process that we're  
4 discussing right now, did that come from that  
5 conversation with Ms. Johnson?

6 MS. TABACCHI: Object to the  
7 form.

8 THE WITNESS: Yes, it came from  
9 several conversations. But ...

10 Q. (BY MR. INNES) Several  
11 conversations over the course of --

12 A. A timeframe.

13 Q. Okay. And that timeframe  
14 stretched from June of '17 to --

15 A. I had several conversations --

16 Q. Okay.

17 A. -- in this whole learning  
18 evolution.

19 Q. You then said those thresholds  
20 triggered and --

21 A. So what it did, if there -- if  
22 it -- if it triggered, then -- triggered  
23 those thresholds, then it sent those orders  
24 over to the SOM team.

25 Q. Okay. And this might be one



1 step or it might be an intermediary step, but  
2 I believe you testified earlier that it  
3 triggered and then the order would pend?

4 A. It pended -- what we call  
5 pended. It pends while it goes over to the  
6 SOM team.

7 So what it does, it doesn't put  
8 it in the queue for the pharmacy DC to  
9 distribute it; right?

10 So when it's in pending status,  
11 it means the pharmacy DC can't even --  
12 doesn't have visibility to see that order.  
13 They would not -- they would not have  
14 visibility to ship it.

15 Q. Does the pharmacy itself have  
16 visibility if the order is pended?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: I don't know.  
20 You mean -- you're talking the  
21 pharmacy back at the store? Is that  
22 the question?

23 Q. (BY MR. INNES) Yeah, a  
24 pharmacy in Main Street, Cuyahoga County, can  
25 they see that their order has not shipped?

1 A. I don't know.

2 Q. Who would know the answer to  
3 that question?

4 MS. TABACCHI: Object to the  
5 form.

6 MR. INNES: I'll strike that.

7 Q. (BY MR. INNES) If you wanted  
8 to determine that information, who would you  
9 ask?

10 A. I would ask Ramona.

11 Q. And that's Ramona Sullins?

12 A. Yes, sir.

13 Q. In June of --

14 A. Or I might have Miranda either  
15 too. Either one.

16 Q. Miranda Johnson?

17 A. Yes, sir.

18 Q. There's also a Miranda Gan, I  
19 believe; right?

20 A. I don't know.

21 Q. In this process that you  
22 described, the next step, I believe, was  
23 after an order of threshold was triggered,  
24 the order pended and then it was -- the SOM  
25 team was notified?

1 A. Correct.

2 Q. Who are the members of the SOM  
3 team?

4 A. Shawn Robinson --

5 Who were the members? Was that  
6 the question? Or who was? Was that present  
7 tense or past tense?

8 Q. I'm always --

9 A. As of 2017?

10 Q. As of 2017.

11 A. Shawn Robinson, Lisa Holland,  
12 and Dena McClamroch.

13 Q. And did you oversee the SOM  
14 team?

15 MS. TABACCHI: Object to the  
16 form.

17 MR. INNES: Strike that.

18 Q. (BY MR. INNES) Was the SOM  
19 team -- did those members of the SOM team  
20 report to you?

21 A. Yes.

22 Q. What were -- what was the  
23 function of the SOM team?

24 A. They --

25 MS. TABACCHI: Object to the

1 form.

2 Go ahead.

3 THE WITNESS: They ran an  
4 analysis.

5 Q. (BY MR. INNES) Can you  
6 describe what that analysis was?

7 A. They ran a trend analysis, a  
8 two-, I think a five-, and an eight-week  
9 trained analysis.

10 They also ran analysis based on  
11 criteria that had been vetted through  
12 compliance.

13 Q. Can you describe the trend  
14 analysis?

15 MS. TABACCHI: Object to the  
16 form.

17 THE WITNESS: It was a -- no.

18 Q. (BY MR. INNES) Did you ever  
19 see the results of the trend analysis?

20 A. No.

21 Q. How do you know the trend  
22 analysis was a five- and eight-week analysis?

23 MS. TABACCHI: Object to the  
24 form.

25 Go ahead.

1 THE WITNESS: Ramona told me.

2 She said we do a two- and a five- and  
3 an eight-week analysis.

4 Q. (BY MR. INNES) Those are three  
5 different analyses, two, five, and eight, is  
6 your understanding?

7 A. It was my understanding it was  
8 one analysis. They just do those different  
9 weeks during that analysis.

10 Q. Do you know what they were  
11 looking at in those two-, five-, and  
12 eight-week periods?

13 A. They were looking at the trend  
14 of that facility with that particular drug  
15 that had been triggered.

16 Q. And by "facility," do you mean  
17 that pharmacy?

18 A. I mean that particular order.  
19 So when the order was triggered, right, the  
20 order was triggered, and it was from a  
21 specific pharmacy, with a specific drug.  
22 They looked at that analysis for the two-,  
23 the five-, and the eight-week for that  
24 facility and that drug.

25 Q. I just want to be clear for the

1 record, because you've used two terms in that  
2 sentence. Is this "facility" synonymous with  
3 "pharmacy" in your mind?

4 A. So I used "facility," which  
5 means pharmacy. That order came from that  
6 pharmacy with that particular drug. And so  
7 that's how I was using it.

8 And so that's -- so they took  
9 that -- they looked at the trend of the  
10 pharmacy it came from, and those drugs that  
11 were -- that triggered.

12 Q. And when you say "those drugs,"  
13 what do you mean by that?

14 A. Whatever drug triggered --  
15 whatever the analysis was to be on.

16 Whatever the threshold sent to  
17 them.

18 Q. And was that -- were drugs  
19 grouped by NDC code?

20 A. You are beyond my level of  
21 expertise.

22 Q. Okay. And we're going to test  
23 the level of expertise in a little bit. And  
24 if you don't know, you don't know. But I'll  
25 just ask the question.

1                   Were the drugs grouped by base  
2       code?

3                   MS. TABACCHI: Object to the  
4       form.

5                   THE WITNESS: Once again, I  
6       don't know. You're beyond my  
7       expertise.

8                   Q.       (BY MR. INNES) Were the drugs  
9       based on dosage strength?

10                  MS. TABACCHI: Object to the  
11       form.

12                  Q.       (BY MR. INNES) I'm sorry, I  
13       botched that question.

14                  A.       I don't recall.

15                  Q.       Let me ask that again just so  
16       we have it clear.

17                       Were the drugs grouped by  
18       dosage unit?

19                  MS. TABACCHI: Object to the  
20       form.

21                  THE WITNESS: When they were  
22       doing the analysis? I don't recall.

23                  Q.       (BY MR. INNES) Do you believe  
24       you had knowledge at some point?

25                  A.       Do I believe what?

1           Q.       Do you believe you had  
2       knowledge of that at some point?

3                   MS. TABACCHI:   Object to the  
4       form.

5                   THE WITNESS:   Knowledge -- can  
6       you clarify knowledge of what at some  
7       point?

8                   MR. INNES:    Sure.

9           Q.       (BY MR. INNES)   You testified  
10       that you don't recall if the drugs in those  
11       analyses were grouped by dosage.

12          A.       Correct.

13          Q.       I just want to know, back in  
14       June of '17, do you believe you may have had  
15       knowledge of that fact?

16          A.       So in that part of the process,  
17       I don't know if I had knowledge. I know at  
18       another point in the process I recall there  
19       being conversation around -- you said  
20       "dosage"; right?

21          Q.       So the process that you  
22       described -- I think we're at the terminus of  
23       what you described, the SOM team.

24                   Your knowledge that you just  
25       described, did that come -- at what point in



1       this process was that knowledge?

2                   MS. TABACCHI: Object to the  
3       form.

4                   THE WITNESS: So it was --

5                   MR. INNES: That was a bad  
6       question.

7                   THE WITNESS: It was the  
8       same --

9                   MR. INNES: It was a bad  
10      question. Don't even try.

11                   I appreciate the effort.

12                  Q.       (BY MR. INNES) So you  
13      testified that "I know at another point in  
14      the process, I recall there being a  
15      conversation around dosage"; is that right?

16                  A.       Yes, I did.

17                  Q.       All right. At what point in  
18      the process was that conversation?

19                   MS. TABACCHI: Object to the  
20      form.

21                   THE WITNESS: If there was  
22      conversation when Miranda, Roxy, and I  
23      were looking at those -- because Roxy  
24      would give the dosage. She would --  
25      part of the reading of the

1 information, and she would give  
2 dosages.

3 Q. (BY MR. INNES) Did that happen  
4 before or after the SOM team's trend  
5 analysis?

6 A. After.

7 Q. That's my -- I -- there's more  
8 to this process than what we've -- what you  
9 articulated earlier.

10 What happens after the SOM team  
11 performs their analysis?

12 A. So then that analysis goes over  
13 to Roxy and team -- or went over. It doesn't  
14 go. It went over to Roxy and team.

15 And then she performed further  
16 analysis.

17 Q. And is that Roxy Reed?

18 A. Yes, sir.

19 Q. Okay. And is Roxy Reed a  
20 direct report to you --

21 A. No.

22 Q. -- during that time period?

23 A. No.

24 Q. Who did Roxy Reed report to at  
25 that time period?

1           A.       I -- I'm not for sure. I'm not  
2       for sure.

3           Q.       Was Roxy Reed in your -- was  
4       she in a different division than you are?

5           A.       She was in compliance.

6           Q.       And you were in logistics?

7           A.       Supply chain, yes, sir.

8           Q.       Supply chain.

9                   And at some point in time,  
10       supply chain was referred to as logistics by  
11       Walmart?

12          A.       You're correct. You're  
13       correct.

14          Q.       You said "Roxy and team." Who  
15       else was on Roxy's team?

16          A.       I'm not knowledgeable of that.

17          Q.       Are you knowledgeable about  
18       what Roxy's team would do with respect to the  
19       trend analyses that were performed by the SOM  
20       team?

21                   MS. TABACCHI: Object to the  
22       form.

23                   THE WITNESS: I'm not  
24       knowledgeable about what she would do  
25       with that trend analysis, no, I'm not.

1 Q. (BY MR. INNES) Do you have any  
2 knowledge of the steps in the process  
3 performed by Roxy's team?

4 A. The -- I don't know what that  
5 process looked like.

6 Q. Okay. What happened after --  
7 what happened -- what, if anything, happened  
8 after Roxy's team received the information?

9 A. So then the -- that information  
10 then was reviewed by Roxy, Miranda, and  
11 myself and/or a representative of me.

12 Q. And what did you, Roxy, and  
13 Miranda, or your representative, what was  
14 your task at that stage?

15 A. So my task was to listen and  
16 ask questions. And so that's exactly what we  
17 did.

18 So Roxy would go over a list of  
19 analysis and information, and then  
20 collectively the three of us would make a  
21 decision as to if it was a suspicious order.

22 Q. How would you make a  
23 determination if the order you were reviewing  
24 was suspicious or not suspicious?

25 A. Well, I -- I think we use the

1 guidelines of our policy; right? And I think  
2 that the policy states -- has a couple three  
3 things in it, but if the order was a large  
4 size, or an unusual size, or something along  
5 that line. If it was -- if there was an  
6 unusual pattern. And so that coupled with  
7 those -- that, coupled with the information  
8 she had is how we made the decision.

9 Q. And who -- you referred to  
10 "she." Who are you referring to there?

11 A. How "we." I think I said "we."  
12 And so it was Roxy and  
13 myself -- Miranda and Debbie Hodges.

14 MS. TABACCHI: I'm happy to  
15 help.

16 MR. INNES: You seem like you  
17 want to say something.

18 MS. TABACCHI: No, no, no. I  
19 just want to make sure that you heard  
20 the question. I think --

21 THE WITNESS: What was the  
22 question?

23 MS. TABACCHI: Do you mind if I  
24 help you with this? "The information  
25 she had." He asked the information

1 "she had."

2 THE WITNESS: That who had?

3 MS. TABACCHI: The "who" you  
4 talked about when you said "the  
5 information she had." Who is the  
6 "she"?

7 THE WITNESS: Oh, Roxy had.

8 MR. INNES: Thank you.

9 THE WITNESS: It was that Roxy  
10 had.

11 MR. INNES: Okay. Thank you.

12 THE WITNESS: Thank you.

13 MS. TABACCHI: Let us know,  
14 Mike, whenever it's a good time to  
15 take another break. If you're in the  
16 middle of something, you know, go  
17 ahead.

18 MR. INNES: Let me just ask two  
19 questions, see if we can't nail down  
20 the rest of this process, and then we  
21 can take a break.

22 Q. (BY MR. INNES) So the three of  
23 you are meeting, or one of your designees.  
24 Can Roxy or Miranda also appoint a designee  
25 to sit in those meetings?

1 A. I don't know. I know about me.

2 Q. Okay.

3 A. But I would tell you that they  
4 were -- they were in the meetings. They were  
5 involved, so ...

6 Q. Okay. So every -- each one of  
7 these meetings that you were in, Miranda and  
8 Roxy were always there?

9 A. Miranda or Roxy sometimes, but  
10 Miranda and Roxy most of the time.

11 Q. Okay. Did the policy call for  
12 Miranda and Roxy to be there? Or just one of  
13 them?

14 A. You know what? I don't recall.

15 Q. If you went to a meeting -- did  
16 you ever attend a meeting where it was just  
17 Miranda?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: I don't know that  
21 I recall if there was just Miranda.

22 Q. (BY MR. INNES) And just so  
23 we're clear, did you ever attend one of the  
24 meetings that you described in this process  
25 where it was just you and Amanda [sic]?

1 MS. TABACCHI: Object to the  
2 form.

3 Q. (BY MR. INNES) Or you and  
4 Miranda?

5 A. Not that I recall. Roxy always  
6 had the information.

7 Q. Did you ever attend one of  
8 these meetings at this stage of the process  
9 when it was just you and Roxy?

10 A. Not that I recall.

11 Q. Did you maintain records of  
12 these meetings?

13 A. No.

14 Q. Why not?

15 MS. TABACCHI: Object to the  
16 form.

17 THE WITNESS: I -- no reason  
18 to.

19 Q. (BY MR. INNES) Why wasn't  
20 there a reason to?

21 A. I attend a lot of meetings.  
22 And I don't keep records of meetings. A lot  
23 of meetings.

24 Q. But this is a particular kind  
25 of meeting; right?



1           A.       I have a lot of particular  
2       kinds of meetings.

3           Q.       And this particular meeting was  
4       a decision as to whether or not Walmart was  
5       going to ship an order that had been  
6       identified as potentially a suspicious order?

7           A.       You're right.

8                    I didn't say "you're right" as  
9       in you're right that there --

10                  So ask the question again.

11       Clarify, please.

12           Q.       What was the purpose of this  
13       meeting that we described in the process?

14           A.       The purpose was to review the  
15       potential suspicious orders and make a  
16       decision if they were suspicious.

17           Q.       And those orders could involve  
18       suspicious -- potential suspicious orders of  
19       opioids; isn't that right?

20           A.       Correct.

21           Q.       And at this point in time,  
22       you're aware that the United States is  
23       undergoing an opioid crisis; is that right?

24           A.       Yeah. I think we established  
25       that in the very beginning of this

1 conversation.

2 Q. Did you not think it important  
3 to document a decision to either withhold  
4 opioids from the market or to distribute  
5 opioids into the market?

6 MS. TABACCHI: Object to the  
7 form.

8 THE WITNESS: There was -- it  
9 wasn't my role to make a -- make a  
10 record, if you will, of what the --  
11 that meeting was.

12 Q. (BY MR. INNES) Did anyone make  
13 a record of what that meeting was?

14 A. You know what? Roxy repeated  
15 back what the -- verbally repeated back  
16 during those at the end of the meeting. I  
17 don't know -- I think that --

18 Well, she repeated back what  
19 that looked like, and she told me. She told  
20 in the meeting, "And I will ensure that that  
21 is put in Archer," so ...

22 But ...

23 Q. Okay. What exactly did Roxy  
24 repeat back to you?

25 A. She repeated back the decisions

1       that were made in that meeting.

2               Q.       Decisions to do what?

3               A.       Decisions whether it had been  
4       decided it was a suspicious order or if it  
5       was not a suspicious order.

6               Q.       And how did you go about  
7       determining whether it was -- the order was a  
8       suspicious order or not a suspicious order in  
9       that meeting?

10              A.       So we would look at -- we  
11       would -- back to my previous conversation, we  
12       would look at all of the information she had.  
13       We would look at the trending information  
14       that she had gotten from the SOM team. We  
15       looked at the additional criteria she pulled  
16       in. Right? We looked at whether there was  
17       an unusual pattern. We looked at the --  
18       well, that -- that's the I -- kind of the  
19       three buckets, unusual pattern, the  
20       information that she provided, and the  
21       information that she got from the SOM team.

22                      And then we -- collectively, we  
23       looked at all of that information. She -- we  
24       talked through each one. Because she would  
25       say, "Here's the first order." Right? And

1 we would talk through a litany of all of that  
2 information, and then we would make a  
3 decision.

4 Q. And when would you receive this  
5 information? Was it prior to the meeting?

6 A. When would I receive?

7 Q. The information you just  
8 described that Roxy had.

9 A. No, it was during the  
10 information -- during the session.

11 Q. So the first time that you saw  
12 the information regarding that particular  
13 order that was to be determined whether it  
14 was suspicious or not was in that meeting?

15 A. And I didn't see it. I usually  
16 heard it. Right? Because it was a verbal  
17 presentation they would give to me. I didn't  
18 have any document. Yes.

19 Q. So did you read the -- did you  
20 have a view of the document at the same time  
21 that they were reading that document?

22 A. No.

23 MS. TABACCHI: Object to the  
24 form.

25 Sorry. Go ahead.

1 THE WITNESS: No. It was --  
2 they read me the -- they -- it was an  
3 oral presentation.

4 Q. (BY MR. INNES) Do you know  
5 that they read every piece of information  
6 that was on those pieces of paper in those  
7 meetings?

8 MS. TABACCHI: Object to the  
9 form, lack of foundation.

10 THE WITNESS: I don't know  
11 that.

12 Q. (BY MR. INNES) You said your  
13 role in those meetings was to listen and ask  
14 questions.

15 A. And -- and ensure that -- yeah,  
16 and make a decision.

17 Q. How did the group make a  
18 decision?

19 You said there's three of you  
20 in there; right?

21 A. Mm-hmm.

22 Q. And that's it?

23 A. Correct.

24 Q. And how was a decision  
25 ultimately reached?

1           A.       Well, she would go through the  
2       information. And Miranda would ask  
3       questions. I would ask questions. Mine were  
4       usually clarifying questions, as to what does  
5       that drug do. I had a lot of different  
6       questions than what they had, since I was  
7       not --

8                       Well, I had a different line.  
9       But --

10                      And then we would make -- we  
11       would make the decision.

12           Q.       You said that the information  
13       was provided to you orally. Did you ever ask  
14       to see the documents from which they were  
15       reading?

16                      MS. TABACCHI: Object to form.

17                      THE WITNESS: No.

18           Q.       (BY MR. INNES) And by  
19       "documents," I would -- did you ever ask to  
20       view computer screens that they might be  
21       reading from in that meeting?

22           A.       No.

23           Q.       Did you ever ask to review any  
24       of the information that they were -- that  
25       they brought to the meeting regarding these

1 particular orders?

2 MS. TABACCHI: Object to form.

3 THE WITNESS: The process that  
4 had been used and was being used was  
5 that it was an oral conversation, and  
6 so that was the process that we used.

7 Q. (BY MR. INNES) Were these  
8 meetings regularly occurring?

9 MS. TABACCHI: Object to the  
10 form.

11 MR. INNES: I can withdraw the  
12 question.

13 Q. (BY MR. INNES) Was this a  
14 standing meeting?

15 A. They were meetings that were  
16 put on the calendar. They had different  
17 times, but ...

18 Q. Did you --

19 A. So it wasn't 2 o'clock every  
20 Tuesday, no.

21 Q. Did you meet weekly?

22 A. Yes.

23 Q. Did you meet more than one time  
24 a week?

25 A. Sometimes. Most of the time.

1 Q. Why would a meeting be  
2 convened?

3 A. The -- they would convene a  
4 meeting whenever they had -- whenever there  
5 were suspicious order -- or potential  
6 suspicious orders. When there were orders of  
7 interest, suspicious orders, potential, then  
8 there would be a meeting convened.

9 Q. And typically how long did  
10 these meetings last?

11 A. I don't know that typical,  
12 there's a typical because it depended on the  
13 number; right?

14 And so it was different based  
15 on the number and based on the complexity.

16 Q. And by "number," you mean  
17 number of orders to review?

18 A. Yes, sir.

19 Q. Why would it be complex to  
20 review these orders?

21 A. Based on the -- when I say  
22 "complexity," it means based on the amount of  
23 information.

24 So if there were 15 that we  
25 were reviewing that period, that day, it



1 would take longer. Because obviously, to go  
2 through all of the information of 15 versus  
3 3.

4 Q. So the length of the meeting  
5 was dictated by the number of orders --

6 MS. TABACCHI: Object to the  
7 form.

8 Q. (BY MR. INNES) -- that you  
9 were reviewing in that meeting?

10 A. It was related to how long it  
11 took to get through the information.

12 Q. What were the -- what was  
13 Miranda Johnson's title at the time for those  
14 meetings?

15 A. I couldn't tell you what her  
16 title was.

17 Q. Okay. And --

18 A. She was in the compliance area.

19 Q. And she reported to Mr. Chapman  
20 at that time period?

21 A. I'm not sure.

22 I'm not sure.

23 Q. Did Roxy report to Miranda at  
24 that time?

25 A. Yes.

1           Q.       It's true that you were the  
2       most senior person at Walmart in those  
3       meetings at that time; is that right?

4           A.       That is true.

5           Q.       And even though you were the  
6       most senior person in that meeting, you  
7       didn't review the information prior to that  
8       meeting; is that right?

9                   MS. TABACCHI: Object to the  
10       form.

11                  THE WITNESS: The -- I was  
12       given the -- I think we've established  
13       that. I was given the information in  
14       the meeting.

15          Q.       (BY MR. INNES) And did each of  
16       you have an equal vote in whether or not an  
17       order was suspicious or not?

18          A.       Yes.

19          Q.       Did you ever determine an order  
20       to be suspicious in those orders?

21                  MS. TABACCHI: Object to the  
22       form.

23                  THE WITNESS: The group  
24       determines those orders to be  
25       suspicious in those meetings, yes.

1 Q. (BY MR. INNES) Thank you for  
2 that. My question was slightly different.

3 Did you yourself determine an  
4 order to be suspicious in those meetings?

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: It was a  
8 collective decision. And so if you're  
9 asking if my part of it was that I,  
10 based on the information that I took  
11 in, that I felt that an order was  
12 suspicious, the answer is yes. My  
13 vote was an order is suspicious.

14 Q. (BY MR. INNES) Okay.

15 A. But the -- it was a collective  
16 decision.

17 Q. Sure.

18 At any point in time do you  
19 recall you voting an order to be suspicious  
20 that was ultimately deemed by that group to  
21 be not suspicious?

22 A. I don't. I don't recall.

23 MS. TABACCHI: Michael, we  
24 asked for a break a few minutes ago.  
25 Are you close?

1 MR. INNES: I'm sorry. We --

2 MS. TABACCHI: You were on a  
3 roll?

4 MR. INNES: Yeah, we can take  
5 one now. Yeah, I just got on a roll.

6 THE VIDEOGRAPHER: 10:49. We  
7 are off the video record.

8 (Recess taken, 10:49 a.m. to  
9 11:08 a.m.)

10 THE VIDEOGRAPHER: 11:08. We  
11 are on the video record.

12 Q. (BY MR. INNES) Okay.

13 Ms. Hodges, we're back on the record.

14 When we left off, we were  
15 discussing the process for the review of  
16 orders of interest in the time period of  
17 June '17 to May of '18.

18 Where we had left off, I  
19 believe, was the last step of that process,  
20 where yourself, Roxy, and Miranda were  
21 reviewing orders of interest that had been  
22 tagged as potentially suspicious orders to  
23 determine whether or not they were suspicious  
24 orders.

25 Is that right?

1           A.       Correct.

2           Q.       And in that meeting, the three  
3 of you had an equal vote; is that right?

4           A.       We had discussion. Yes, we all  
5 had input.

6           Q.       Was there ever a time when --  
7 strike that.

8                   As the senior-most person in  
9 that meeting, were you able -- for lack of a  
10 better term, did you have the authority to  
11 overrule the other two attendees' votes?

12          A.       It was a collective decision.  
13 Every time, it was a collective decision.

14          Q.       Do you recall any time when  
15 there was a dissenting party in that  
16 decision?

17          A.       It was a collective decision.  
18 We all came out of there with a unified  
19 decision. There were times when they asked  
20 questions, but it was a unified decision.

21          Q.       You said there were times when  
22 they asked questions. Who are the "they"  
23 you're referring to?

24          A.       There were times when all of us  
25 asked questions. And I said "they," but

1       there were times when I asked questions,  
2       there were times when Miranda asked  
3       questions, and there were times when Roxy  
4       asked questions.

5                       But we always came out with a  
6       unified decision.

7               Q.       What is your definition of the  
8       word "unified"?

9               A.       Of what?

10              Q.       What's your definition of the  
11       word "unified"?

12              A.       There was one decision.

13                       That's my definition. There  
14       was one decision.

15              Q.       In your mind, are you familiar  
16       with the word "unanimous"?

17              A.       Pardon me?

18              Q.       Are you familiar with the word  
19       "unanimous"?

20              A.       Yes.

21              Q.       In your mind, is unified a  
22       synonym for unanimous?

23              A.       There was a -- yes. There --  
24       there was a -- one decision coming out of  
25       there.

1           Q.       If one of the members of that  
2       group had reservations or otherwise disagreed  
3       with the unified decision, would that  
4       information be documented anywhere?

5                   MS. TABACCHI: Object to the  
6       form.

7                   THE WITNESS: The process is we  
8       talked through with just different --  
9       with different pieces of information.

10          Q.       (BY MR. INNES) What pieces of  
11       information?

12          A.       The information that Roxy would  
13       provide.

14          Q.       And Roxy was --  
15       Excuse me.

16          A.       That Roxy would provide. I  
17       was -- that was the end of my sentence.

18          Q.       And Roxy provided that  
19       information to you at the meeting?

20          A.       To Miranda and I.

21          Q.       And she presented that  
22       information to you based off of documents  
23       that she brought to the meeting?

24                   MS. TABACCHI: Object to the  
25       form.

1 THE WITNESS: She not only  
2 brought to the meeting. She had her  
3 computer. There were some things she  
4 would pull up as we talked through.

5 Q. (BY MR. INNES) And I believe  
6 your testimony earlier was that you were  
7 reviewing these orders that -- well, strike  
8 that.

9 In order for you to review an  
10 order, in order to get to this -- strike  
11 that.

12 In order for an order of  
13 interest to reach this level on the process,  
14 it first had to be identified as an order of  
15 interest; is that correct?

16 A. Correct.

17 Q. And it would be identified as  
18 an order of interest because it was  
19 potentially unusual size? Is that right?

20 A. That was one of the criteria,  
21 but it was about thresholds.

22 If I walk you back through the  
23 process, it was about when they -- when  
24 Reddwerks -- when the thresholds were  
25 triggered. And then that -- that's an order



1 of interest, and that order of interest would  
2 go over to the SOM team.

3 And that order of interest --

4 So it carried that order of  
5 interest.

6 Q. How was an order -- how are you  
7 defining "order"?

8 What is an order exactly?

9 A. An order is when you get a --  
10 through the system, there is -- the orders  
11 are downloaded into the DC. Those orders are  
12 downloaded into the DC system.

13 Orders are downloaded.

14 Q. And at the time, June '17  
15 through May '18, you don't have an  
16 understanding as to how exactly Reddwerks  
17 flagged an order of interest?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: Well, you said --  
21 what are the dates you're quoting?

22 MR. INNES: Let me clean that  
23 up.

24 Q. (BY MR. INNES) What was the  
25 time period -- what portion of the time

1 period when you were in that -- of -- strike  
2 that.

3 When did Walmart cease using  
4 Reddwerks as part of its suspicious order  
5 monitoring program?

6 A. November of '17.

7 Q. Okay. So between June '17 and  
8 November of '17, you're not aware of how  
9 Reddwerks identified an order of interest; is  
10 that correct?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: I am aware that  
14 there were thresholds, and I am aware  
15 that Reddwerks -- those thresholds is  
16 what triggered an order of interest.

17 Q. (BY MR. INNES) Okay. And do  
18 you have any idea if those thresholds  
19 identified orders of unusual frequency?

20 MS. TABACCHI: Object to the  
21 form.

22 THE WITNESS: It's my  
23 understanding they identified -- they  
24 just triggered -- they triggered with  
25 unusual patterns.

1 Q. (BY MR. INNES) So it's your  
2 understanding that the Reddwerks thresholds,  
3 between June of '17 and November of '17  
4 triggered orders of unusual patterns?

5 A. Correct.

6 Q. Did it trigger any other kind  
7 of order?

8 Strike that.

9 Was Reddwerks triggered by any  
10 other type of order?

11 A. So I think I -- the threshold  
12 piece, I don't have the -- the threshold  
13 piece, it was triggered -- the system  
14 triggered a threshold. The threshold then  
15 indicated whether it was an order of  
16 interest.

17 Q. Was that threshold based only  
18 on unusual frequency?

19 MS. TABACCHI: Object to the  
20 form. Lack of foundation.

21 THE WITNESS: So I'm not the  
22 expert on that threshold. Those  
23 thresholds were -- I'm not the expert.

24 Q. (BY MR. INNES) So what is  
25 it -- what's your understanding of -- strike

1       that.

2                       The SOM team that you described  
3       as part of this process, the members of the  
4       SOM team reported up through the chain of  
5       command to you; is that right?

6               A.       Correct.

7               Q.       Did they report directly to  
8       you?

9               A.       Correct.

10              Q.       There was no one between the  
11       SOM team and you?

12              A.       Correct.

13              Q.       And the SOM team was, if I  
14       understand the process correctly, in June of  
15       '17 through November of '17, was tasked with  
16       reviewing orders of interest that had been  
17       flagged by Reddwerks; is that correct?

18              A.       That is correct.

19              Q.       And it is your testimony that  
20       they performed trend analysis on those orders  
21       of interest.

22              A.       They performed trend analysis,  
23       the two-, the five-, and the eight-week. And  
24       they also performed analysis that was vetted  
25       through compliance. And so there was a list

1 of questions that they did the analysis as it  
2 relates to that information.

3 Q. Was the trend analysis -- was  
4 the trend analysis able to identify orders of  
5 unusual frequency?

6 MS. TABACCHI: Object to the  
7 form.

8 THE WITNESS: The -- I'm not  
9 sure.

10 Q. (BY MR. INNES) Did the trend  
11 analysis identify orders of unusual size?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: I'm not sure.

15 Q. (BY MR. INNES) Did the trend  
16 analysis identify unusual patterns?

17 A. I'm not the expert on the trend  
18 analysis.

19 Q. Did the criteria that you  
20 described, was it provided by compliance?

21 A. Yes.

22 Q. Okay. Was the criteria that  
23 was provided by compliance to the folks in  
24 the SOM team that you oversaw, were those  
25 criteria aimed at identifying orders of

1 unusual frequency?

2 MS. TABACCHI: Object to the  
3 form.

4 THE WITNESS: Yes.

5 Q. (BY MR. INNES) They were. And  
6 what's your basis for that statement?

7 A. Because the -- that's the --  
8 our policy. So our policy is to identify --  
9 it's to identify patterns. It's to identify  
10 unusual orders. And the criteria that  
11 compliance set out was geared back towards  
12 accomplishing that -- those policies, so ...

13 Q. How do you know that that  
14 was -- that the criteria that compliance set  
15 out was geared back towards accomplishing  
16 those policies?

17 A. Because I was told. Miranda  
18 told me. She said, "Debbie, we have -- we've  
19 vetted out the questions and the analysis  
20 that your team is running based on what we're  
21 trying to -- the -- based on the policy."

22 Q. Okay. And at this point you're  
23 aware that the country is in an opioid  
24 crisis. That is correct; right?

25 A. Yes.

1 Q. And at this time you're  
2 overseeing a team that's implementing this  
3 criteria; is that right?

4 A. Yes.

5 Q. And that team is, at that -- at  
6 least at that point in the process, has an  
7 ability to clear an order of interest and  
8 ship it; is that right?

9 A. Incorrect.

10 Q. They can --

11 A. They're the analysis piece of  
12 the business.

13 So they would do the analysis.  
14 The only time they had the ability to  
15 override it was if there was a keying error,  
16 a significant keying error.

17 Q. What's a keying error?

18 I didn't mean to cut you off.

19 A. No, I'm done.

20 Q. What is a keying error?

21 A. So, for example, if they called  
22 the store -- if they saw an order that had  
23 20,000 ordered in the order of a particular  
24 item, and they called the store, of which is  
25 in policy, that they're to call the techs

1       and/or the pharmacist. And so they would  
2       make that phone call.

3                       And they say, oh, that --  
4       that -- that is clearly -- "We just had a  
5       keying error." And so they had the ability  
6       to say -- based on the conversation and based  
7       on the information given from the pharmacy at  
8       store level, they had the ability to take it  
9       to the -- to -- or whatever the pharmacist  
10      said.

11               Q.       The information that you just  
12      described there that goes into that  
13      investigation, is that documented anywhere?

14               A.       In Archer.

15               Q.       Archer.

16                       Does the logistics team  
17      consider an order -- that was identified as  
18      an order of interest, but was determined to  
19      be a keying entry --

20               A.       A what? Keying?

21               Q.       A keying error -- is that no  
22      longer an order of interest?

23               A.       It means that there was a  
24      keying error. That's what it means. And it  
25      means that they -- when there's an obvious



1       keying error, they had the ability to go in  
2       and make that adjustment based on the  
3       information they were given.

4               Q.       What do you mean by "obvious  
5       keying error"?

6               A.       Whenever -- it's the  
7       information they get from the -- from the  
8       store. When the -- the -- when the -- when  
9       the store says, "No, it wasn't 20 we  
10      ordered" -- we -- or "We ordered 20, we meant  
11      to order two," then -- then they -- the SOM  
12      team had the ability to go in and put the two  
13      in there, and they documented it every time  
14      they did it.

15              Q.       So in that situation, the  
16      pharmacist who's now -- who has keyed in, say  
17      50,000. I'll use this as an example. Say  
18      50,000. Strike that.

19                      2,000. Pharmacist keyed in  
20      2,000. It's at the SOM team for review.  
21      They've identified this as an order of  
22      interest and they --

23              A.       Oh, they didn't identify it as  
24      an order of interest.

25              Q.       Reddwerks identified it as --

1 A. (Witness nods.)

2 Q. Okay. So it's reached their  
3 desk as an order of interest that needs  
4 further review; is that correct?

5 A. Correct.

6 Q. And in this example, an order  
7 of 2000, they might give a call to the  
8 pharmacist; is that right?

9 A. There's a process to give a  
10 call to. They had to contact every store.  
11 It's not that they might give a call. There  
12 was a process.

13 Q. At what -- what level of --  
14 For every order of interest,  
15 they were required to contact the pharmacist?

16 A. (Witness nods.) They called.  
17 They called the -- the pharmacy; right?

18 Q. So for every order of interest  
19 that made it -- that was identified by  
20 Reddwerks in that time period, June to  
21 November of '17, that landed with the SOM  
22 team that you oversaw, each one of those  
23 orders required -- was required -- the team  
24 was required to make a call to the pharmacy  
25 for each one of those orders?

1 MS. TABACCHI: Object to the  
2 form.

3 Q. (BY MR. INNES) Is that  
4 correct?

5 A. Yes.

6 Q. And those telephone calls would  
7 be documented in Archer?

8 A. Those telephone calls where  
9 there were adjustments made. If there -- if  
10 there was that 2000 to 2, that would be  
11 documented in Archer. But the whole  
12 telephone call would not be documented.

13 Q. Okay. Would -- were they --  
14 were the SOM team members required to put in  
15 notes of every single call that they placed  
16 to a pharmacy?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: I don't know --  
20 I'm not aware that they were required  
21 to put in notes of every single call.

22 Q. (BY MR. INNES) So a SOM team  
23 member could have possibly called a pharmacy  
24 and not recorded that in Archer?

25 MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: What was reported  
3 in pharmacy was -- or in Archer was if  
4 they had -- if there was an  
5 adjustment.

6 MR. INNES: Okay. Thanks for  
7 that clarification.

8 Q. (BY MR. INNES) So the  
9 information that is entered into Archer by  
10 the SOM team member was that -- strike that.

11 The SOM team members only made  
12 an entry in Archer if they adjusted the  
13 order; is that correct?

14 MS. TABACCHI: Object to the  
15 form.

16 THE WITNESS: There could have  
17 been other times they put additional  
18 information that was from that  
19 conversation. It wasn't the -- there  
20 were potentially times that they could  
21 have put additional information in  
22 Archer.

23 Q. (BY MR. INNES) Such as -- what  
24 would -- what are examples of those types  
25 of --

1           A.       I don't have an example.

2           Q.       So this is the team that you  
3       oversaw regarding --

4           A.       Correct.

5           Q.       -- the evaluation at the  
6       logistics level on orders of interest; is  
7       that right?

8           A.       Correct.

9           Q.       And during this time period,  
10       you're aware of the opioid crisis; is that  
11       right?

12          A.       Correct.

13          Q.       And did you ever inquire --  
14       strike that.

15                   Did you ever speak with members  
16       of your team to make sure that they were  
17       documenting information from phone  
18       conversations with pharmacists?

19          A.       So our -- we had -- there  
20       were -- I had various conversations with the  
21       three members of that team to ensure that we  
22       had the appropriate -- appropriate processes  
23       in place, and that we were following those  
24       processes.

25                   MR. INNES: I'm going to move

1 to strike that answer.

2 Q. (BY MR. INNES) My question is  
3 very specific.

4 Did you ever speak with members  
5 of your team to make sure that they were  
6 documenting their telephone calls with  
7 pharmacists?

8 A. I spoke to members of my team  
9 in regards to ensuring that the proper  
10 processes and the proper -- that we were  
11 following the processes in place.

12 MR. INNES: Move to strike that  
13 as nonresponsive as well.

14 Q. (BY MR. INNES) The question  
15 is -- it's "yes" or "no." Did you ever speak  
16 with your team members to ensure that they  
17 were documenting their telephone  
18 conversations with pharmacies in Archer?

19 MS. TABACCHI: Objection, asked  
20 and answered.

21 You may -- you may answer the  
22 question. I'm just asserting an  
23 objection.

24 THE WITNESS: The -- I spoke to  
25 our team members about -- I don't

1           recollect if I spoke specifically  
2           about whether they had the right  
3           things in Archer. I spoke to process.

4           MR. INNES: Thank you.

5           Q.       (BY MR. INNES) So at the SOM  
6           team -- at the SOM team review level, could a  
7           determination be made that an order of  
8           interest was an appropriate order, other than  
9           this keying information error that you  
10          described?

11          A.       Not to my knowledge.

12          Q.       So at the SOM team level,  
13          what's the purpose of a two-, five-, and  
14          eight-week trend analysis if all you're  
15          looking at is keying errors?

16          A.       That's information that is  
17          ultimately passed on to Miranda/Roxy.

18                    So their job was to do  
19          analysis -- the SOM team was to do analysis.  
20          And that was information passed along.

21          Q.       And at that level --

22                    So they performed an analysis,  
23          but no one at that level had decision-making  
24          authority as to whether an order of interest  
25          was appropriate or not?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: So like we've  
4 covered, they did have, if in fact  
5 they -- when they called the  
6 pharmacist and the pharmacist said,  
7 "Oh, no, that's an incorrect order or  
8 size," and they corrected it, made the  
9 notation in Archer, then they had that  
10 ability in that circumstance.

11 Q. (BY MR. INNES) Okay. What did  
12 you do, if anything, to ensure or verify that  
13 your direct reports, the members of the SOM  
14 team, were carrying out that policy  
15 accurately?

16 A. I had one-on-one conversations  
17 with them on a regular basis. And we covered  
18 process, or -- you know, what -- what did --  
19 what do the processes -- what are those  
20 processes, and are we complying to the  
21 process that relates back to the policy.  
22 That's the conversation that I had.

23 Q. Did you cover the processes in  
24 the context of a specific order evaluation?

25 MS. TABACCHI: Object to the



1 form.

2 THE WITNESS: Repeat that  
3 again, please?

4 Q. (BY MR. INNES) These  
5 conversations that you had with them on a  
6 regular basis, were they in the context of  
7 specific evaluations that they had done on  
8 potential orders of interest?

9 A. No.

10 Q. Did you ever review orders that  
11 were cleared for shipment because they were  
12 identified as keying errors?

13 A. No.

14 Q. Is there a report of orders of  
15 interest that were cleared for shipment  
16 because they were keying errors?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: You could find it  
20 in Archer.

21 Q. (BY MR. INNES) Have you ever  
22 reviewed Archer?

23 A. No.

24 Q. Have you ever asked for an  
25 output of Archer?

1 A. No.

2 Q. Have you ever asked for access  
3 to Archer?

4 A. No.

5 Q. How do you know what Archer is?

6 A. Because when I sat down to talk  
7 to the team, they communicated to me that  
8 it's the document that they put the  
9 information in.

10 Q. Did you ever ask any of your  
11 team members to show you a view of Archer?

12 A. No.

13 Q. In any of the -- I'm going to  
14 skip forward in the process.

15 In your meeting with Roxy and  
16 Miranda, did you ever view an Archer --  
17 information that was in Archer as part of  
18 that review process?

19 A. I did.

20 Q. Did you review that  
21 information?

22 A. Roxy reviewed it with me. She  
23 made the presentation, because she would say,  
24 "And this is what is in Archer."

25 Q. So I want to make sure your

1 testimony is clear on this point.

2 Earlier I asked you, "Have you  
3 ever reviewed Archer?" Your testimony was  
4 "No." And now I've just asked you, "Did you  
5 review Archer in the meetings with Miranda  
6 and Roxy?" You state that you did.

7 A. So let me clean that up.

8 So the answer is that I didn't  
9 review Archer. Roxy reviewed it with me.

10 And so when we were in our  
11 meetings, she would say, "And here, Debbie,  
12 is what is in Archer." And that was part --  
13 that was part of the conversation.

14 Q. Sure. So your knowledge and  
15 access -- so your knowledge of what was  
16 contained in Archer is based on what Roxy has  
17 told you is in Archer?

18 A. What she told and showed me.  
19 Sometimes she would turn her computer around  
20 and I would see a screen. Say, "Here's what  
21 it is, Deb."

22 Q. What did you see?

23 A. I don't recall. But she would  
24 explain, "This is in Archer." She'd say,  
25 "See here?" And I'm like, "Okay."

1 Q. Did you read it?

2 A. Yes.

3 Q. Did you study it?

4 A. I read it.

5 Q. Did you read every word on the  
6 page?

7 MS. TABACCHI: Object to the  
8 form.

9 THE WITNESS: I don't recall if  
10 I read every word on a page.

11 Q. (BY MR. INNES) But you read  
12 the information on the screen?

13 A. I read what she turned around  
14 to me and showed me, yes, I read it.

15 Q. Okay. So I believe your prior  
16 testimony today was in these meetings you  
17 only received information orally. Do you  
18 want to change that testimony now?

19 A. So the answer is she gave it to  
20 me orally. So it is -- so my testimony is  
21 that she gave it to me orally. And there  
22 were very few occasions that she'd turn the  
23 computer around and say ...

24 But I got that information  
25 orally from her first.

1 Q. So my question is, how did you  
2 get the information from Roxy?

3 A. Orally.

4 Q. Any other way?

5 A. Well, on very few occasions she  
6 would turn the computer around and say, "Here  
7 it is."

8 Q. Okay.

9 On other occasions did she show  
10 you any other information?

11 A. No.

12 MS. TABACCHI: Object to the  
13 form.

14 Q. (BY MR. INNES) Even in  
15 passing?

16 MS. TABACCHI: If you could  
17 just pause to allow me to -- to allow  
18 Mr. Innes to complete his question and  
19 for me to object before you begin.

20 I'm sorry. Do you want to ask  
21 what that was again?

22 MR. INNES: That's also my  
23 fault. I was asking the questions too  
24 quickly, I think.

25 Q. (BY MR. INNES) Any other

1 occasions in which Roxy showed you any other  
2 information other than Archer on her computer  
3 screen?

4 MS. TABACCHI: Object to the  
5 form.

6 THE WITNESS: No.

7 Q. (BY MR. INNES) I think I asked  
8 you this, but pardon me. What did Archer --  
9 what did you see on the screen when she  
10 turned it around to you?

11 A. I saw whatever she was  
12 describing. I mean, it wasn't --

13 I don't recall right now, but  
14 it was whatever she said verbally, and then  
15 she said, "See, here it is." Da, da, da.  
16 That's all.

17 And I don't recall specifics  
18 right now. It was on very few occasions.

19 Q. Anything that would help you  
20 recall those specifics?

21 A. No.

22 Q. Did it appear -- are you  
23 familiar with Excel?

24 A. With?

25 Q. The computer program Excel?

1 A. Yes.

2 Q. Do you recall if the image she  
3 showed you on the screen appeared to be an  
4 Excel file?

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: I don't recall.

8 Q. (BY MR. INNES) Did it look  
9 like -- did it appear to be more of a web  
10 page, for instance?

11 A. I don't recall.

12 Q. Do you recall seeing any  
13 drop-down menus on it?

14 A. No.

15 Q. Do you recall seeing text with  
16 words?

17 A. I don't recall.

18 Q. Do you recall seeing a chart?

19 A. I don't recall.

20 Q. So if an order wasn't cleared  
21 by the SOM team to be an appropriate order  
22 but was -- it was next brought to practice  
23 compliance; is that correct?

24 MS. TABACCHI: Object to the  
25 form.

1 THE WITNESS: It was next  
2 brought to Roxy and team to do some  
3 analysis.

4 MR. INNES: Okay.

5 Q. (BY MR. INNES) At that point  
6 did that team have the authority to determine  
7 an order to be appropriate and release it for  
8 shipment?

9 A. Not that I'm aware of.

10 Q. But as the -- in your role at  
11 that time, if an order was classified as an  
12 order of interest, it would be pending and  
13 held in the warehouse; is that right?

14 A. It's pending, but it doesn't  
15 mean it's held in the warehouse. It --

16 The warehouse actually never  
17 sees -- or never -- it's not -- it's not  
18 where the warehouse can ship it or it's not  
19 in what I call their queue. So it's not in  
20 their queue.

21 Q. Is it within the walls of the  
22 6045 facility at that point?

23 MS. TABACCHI: Object to the  
24 form.

25 THE WITNESS: When an order is



1           pending, it goes over to the SOM team,  
2           and so therefore, it is not available  
3           to be distributed.

4                   MR. INNES: I understand.

5           Q.       (BY MR. INNES) Let me ask it a  
6           slightly different way. That order can't be  
7           filled by the distribution center if it is  
8           still -- if it's pended; is that right?

9           A.       It is not available to be  
10          distributed.

11          Q.       When, in this process, can an  
12          order of interest that's been -- be deemed  
13          appropriate, other than by the SOM team in a  
14          keying error?

15                   MS. TABACCHI: I'm sorry, could  
16          you say that -- could you just repeat  
17          that? I didn't --

18                   MR. INNES: I can rephrase it,  
19          if that's the objection. Or if there  
20          is an objection.

21                   MS. TABACCHI: I couldn't hear  
22          you. I'm sorry, I just couldn't hear  
23          you.

24          Q.       (BY MR. INNES) In the process  
25          that you've described in June of '17 to

1 November of '17, at what stage in that  
2 process can an order of interest be cleared  
3 for shipment?

4 MS. TABACCHI: Object to the  
5 form.

6 THE WITNESS: So we've talked  
7 through it can be cleared if, in fact,  
8 they -- the SOM team had called the  
9 pharmacist. So we've walked through  
10 that scenario.

11 MR. INNES: Correct.

12 THE WITNESS: And then it could  
13 be cleared after the -- Miranda, Roxy,  
14 Debbie, if, in fact, it was determined  
15 not to be an order of interest or  
16 suspicious order, not to be suspicious  
17 order, and then that information would  
18 be put back in Archer. And then  
19 that -- at that point then it can be  
20 cleared. It is cleared.

21 Q. (BY MR. INNES) And, again,  
22 carving out the keying entry error, the only  
23 time in this entire process, once an order of  
24 interest has been flagged by Reddwerks, that  
25 it can be released for shipment is after the

1 meeting with Roxy and Miranda and yourself  
2 and you've determined it to be an appropriate  
3 order.

4 MS. TABACCHI: Object to the  
5 form. Lack of foundation.

6 Misstates testimony.

7 THE WITNESS: So you said Roxy  
8 and Miranda and Debbie. I have a  
9 representative that can also be there.  
10 That's one scenario that I could see  
11 wouldn't be true with the statement  
12 you just made.

13 Would you like to repeat it so  
14 I can --

15 MR. INNES: Sure, I can  
16 rephrase this question.

17 Q. (BY MR. INNES) So in this  
18 process that you've described between June of  
19 '17 and November of '17, the only time that  
20 an order of interest can be cleared for  
21 shipment, other than the SOM team's  
22 evaluation of a keying error, determination  
23 of a keying error, is after the meeting  
24 between Roxy, Miranda, and yourself or the  
25 appropriate designees?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: To the best of my  
4 knowledge.

5 Q. (BY MR. INNES) Can you think  
6 of any other time in the process that an  
7 order would ship from DC 6045 when it hadn't  
8 been cleared through that meeting or by a  
9 keying entry?

10 A. To the -- to the best of my  
11 knowledge, your statement was correct.

12 MS. TABACCHI: Michael, let me  
13 know whenever you're ready to break  
14 for lunch. I know our food is out  
15 there.

16 MR. INNES: Let me see if I  
17 can't just close out this line. It  
18 might take 15 to 20. Unless you guys  
19 are hungry and you want to take a  
20 break now, we can do that. It's --

21 MS. TABACCHI: Okay.

22 MR. INNES: I'm leaving it in  
23 your hands. However you want to do  
24 it.

25 MS. TABACCHI: I mean, if you

1           have 20 more minutes, I'd just as soon  
2           take a break. But if you have a few  
3           more minutes --

4                   MR. INNES: That's okay. No,  
5           we can take a break.

6                   MS. TABACCHI: Okay.

7                   THE VIDEOGRAPHER: 11:46. We  
8           are off the video record.

9                   (Recess taken, 11:46 a.m. to  
10          12:38 p.m.)

11                  THE VIDEOGRAPHER: 12:38. We  
12          are on the video record.

13           Q.       (BY MR. INNES) Good afternoon,  
14   Ms. Hodges. We're back on the record. You  
15   understand you're still under oath?

16           A.       Correct. Yes.

17           Q.       I want to bring you back to the  
18   process we've been describing between the  
19   time period of June '17 and November of '17,  
20   for evaluation of orders of interest.

21                   Specifically I want to talk  
22   about the SOM team. And I'm curious if the  
23   SOM team, if another name for that is the  
24   pharmacy logistics order monitoring team?

25           A.       Yes.

1           Q.       And is it your understanding  
2       that Walmart's policy that was in place at  
3       the time required the Pharmacy Logistics  
4       Order Monitoring Team to submit documentation  
5       related to the outstanding order of interest  
6       to the health and wellness director of  
7       controlled substances?

8                   MS. TABACCHI: Object to the  
9       form.

10                  THE WITNESS: It was my  
11       understanding that the SOM team placed  
12       information in Archer.

13                   [Phone interruption.]

14                   (Discussion off the record.)

15           Q.       (BY MR. INNES) So is it your  
16       understanding that the documentation that the  
17       Pharmacy Logistics Order Monitoring Team  
18       provided to the health and wellness director  
19       of controlled substances was done by Archer?

20                   MS. TABACCHI: Object to the  
21       form.

22                  THE WITNESS: It's my  
23       understanding that they did put  
24       information in Archer. They also -- I  
25       know there was other -- potentially

1           other methods, perhaps, that they did,  
2           but I know they put information in  
3           Archer.

4           Q.       (BY MR. INNES) What are those  
5           potential other methods that they used to  
6           provide information?

7           A.       I don't recall what the other  
8           methods were, but I know Archer was one of  
9           them.

10          Q.       Are you sure that there's  
11          methods other than Archer that were used to  
12          convey that information?

13          A.       I don't recall. That's why I  
14          said -- I know Archer was a method. But  
15          there possibly -- potentially could have been  
16          other methods.

17          Q.       And why do you say there  
18          "potentially could have been other methods"?

19          A.       I say that because there  
20          potentially could have been other methods,  
21          and Archer was one of them.

22          Q.       What gives you the basis for  
23          that belief that there are potential other  
24          methods?

25                   MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: The basis that  
3 there potentially have been other  
4 methods.

5 Q. (BY MR. INNES) Such as?

6 A. I don't know what those are.  
7 But there potentially could have been other  
8 methods that they would have communicated.

9 Q. Could they have been provided  
10 by email?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: I don't know what  
14 they could have been, but there could  
15 have been others besides Archer.

16 Q. (BY MR. INNES) Did you ever see  
17 documentation provided to the health and  
18 wellness director of controlled substances  
19 from the SOM team that you monitored -- that  
20 you were in charge of, provided, to that  
21 director, in any other method than Archer?

22 MS. TABACCHI: Objection, form.

23 THE WITNESS: I don't recall.

24 Q. (BY MR. INNES) Is there  
25 anything that could refresh your



1 recollection?

2 A. I don't know of anything that  
3 would refresh it.

4 Q. Is it your understanding that  
5 the policy in place between June '17 and  
6 November of 17 was that the pharmacy  
7 logistics order monitoring team was to submit  
8 documentation relating to the outstanding  
9 order of interest to the vice president of  
10 pharmacy logistics?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: So I'm not  
14 sure -- I see you're referring to some  
15 kind of paperwork.

16 Q. (BY MR. INNES) Would you like  
17 me to read back the question?

18 A. Please.

19 Q. Is it your understanding that  
20 the policy in place between June '17 and  
21 November of '17 was that the pharmacy  
22 logistics order monitoring team was to submit  
23 documentation relating to the outstanding  
24 order of interest to the vice president of  
25 pharmacy logistics?

1           A.       I don't recall that being the  
2       exact wording.

3           Q.       Who was the vice president of  
4       pharmacy logistics between June '17 and  
5       November of '17?

6           A.       I was.

7           Q.       And do you remember receiving  
8       documentation of orders of interest from the  
9       logistics order monitoring team?

10          A.       From the logistics -- I don't  
11       recall.

12          Q.       Did you receive documentation  
13       of orders of interest from the logistics  
14       order monitoring team between June '17 and  
15       November of '17?

16          A.       I don't recall.

17          Q.       Is there anything that could  
18       refresh your recollection as to whether you  
19       received such documentation during that time  
20       period from the Logistics Order Monitoring  
21       Team?

22          A.       I'm not aware of anything.

23          Q.       You're not aware of anything  
24       that could refresh your recollection as to  
25       that information?

1           A.       Yes.   Correct.

2           Q.       As you sit here today, is it  
3       your recollection that the only method by  
4       which you reviewed information regarding  
5       orders of interest compiled by the logistics  
6       order monitoring team was during your  
7       meetings with Miranda Johnson and Roxy Reed?

8                   That's my question.

9           A.       You're going to have to repeat  
10       that question, because it was rather lengthy  
11       there.

12          Q.       I had the wrong inflection on  
13       the end as well, so ...

14                   As you sit here today, is it  
15       your recollection that the only method by  
16       which you reviewed information regarding  
17       orders of interest compiled by the logistics  
18       order monitoring team was during your  
19       meetings with Miranda Johnson and Roxy Reed?

20          A.       There could have been.   My  
21       recollection is those were the only ones that  
22       I recall, but there could have been others.  
23       There could have been other methods.

24          Q.       I think your prior testimony  
25       was the only time that you saw information

1 from this team was received orally from  
2 Roxy Reed during those meetings, as well as  
3 when Roxy showed you her computer screen on  
4 several occasions.

5 Is that correct?

6 A. The answer is the -- as I sit  
7 here, that's what I recollect.

8 You know, it's been -- it's  
9 been a year since I've had -- since this  
10 event happened. So with that year timeframe.  
11 So that's what I recollect.

12 And also -- also -- well, it's  
13 been a year.

14 Q. It's been a year since what?  
15 I'm unclear as to what --

16 A. Since the June timeframe to  
17 the -- since the June timeframe that you're  
18 speaking about.

19 Q. To be clear, I'm also asking  
20 you the entire timeframe between June '17 and  
21 November of '17.

22 A. Okay.

23 Q. Is that your understanding? Do  
24 you want to change any of your testimony in  
25 light of that understanding?

1           A.       No. I just said it's been a  
2       timeframe. So that's the best of my  
3       recollection. But it has been -- you know,  
4       there's been some time lapse there.

5           Q.       During that time period,  
6       Walmart was receiving orders for Schedule IIs  
7       from pharmacies on a daily basis; is that  
8       right?

9                   MS. TABACCHI: Object to the  
10       form.

11                  THE WITNESS: We were -- the  
12       system received in orders.

13                  Not every day, but on a -- not  
14       every day.

15           Q.       (BY MR. INNES) How many orders  
16       of interest, ballpark, do you think you  
17       reviewed between June of '17 and November of  
18       '17?

19           A.       I couldn't recall that.

20           Q.       Ten?

21           A.       I couldn't recall that.

22           Q.       More than a thousand?

23           A.       I couldn't recall that.

24           Q.       Do you recall how many  
25       meetings -- strike that.

1                   How many meetings did you have  
2     with Roxy and Miranda regarding the  
3     evaluation of orders of interest?

4                   MS. TABACCHI: Object to the  
5     form. Asked and answered.

6                   THE WITNESS: I don't recall  
7     how many meetings there were.

8                   Q.       (BY MR. INNES) Did you have at  
9     least one a month during that time period?

10                  A.       Yes.

11                  Q.       Did you have more than five on  
12     an average month?

13                  A.       Yes.

14                  Q.       So from the time period between  
15     June '17 and November '17, you had, on  
16     average, one meeting a week to review orders  
17     of interest with Miranda and Roxy, or their  
18     designees; is that right?

19                  MS. TABACCHI: Object to the  
20     form. Misstates the prior testimony.

21                  THE WITNESS: It's not correct  
22     as to what I've previously testified.  
23     I previously testified there were  
24     somewhere between one and two of those  
25     meetings, but it depended on the

1           number of orders that we were to  
2           review that came as potential orders  
3           of interest.

4           Q.       (BY MR. INNES) So I believe  
5           your testimony is also that, in response to  
6           my question did you have more than five on an  
7           average month, you said yes. Is that  
8           correct?

9           A.       Correct. That would be -- more  
10          than five would be a difference between if  
11          had you two to three -- or two -- one to two  
12          a week.

13                 MS. TABACCHI: I'm happy to  
14                 clarify, but I'm sure you don't want  
15                 me to jump in. Go ahead.

16                 MR. INNES: By all means.

17                 MS. TABACCHI: There was a --  
18                 you switched your question.

19                 THE WITNESS: So you asked if  
20                 there was more than five a month, and  
21                 I said yes.

22                 MR. INNES: Right.

23           Q.       (BY MR. INNES) And how many  
24           weeks are in a year -- or I mean a month,  
25           rather?

1           A.       I didn't hear what you just  
2       said.

3           Q.       How many weeks are in a month?

4           A.       Typically four.

5           Q.       And you had five meetings in a  
6       month.

7           A.       No, you --

8                   MS. TABACCHI: Object to the  
9       form.

10          Q.       (BY MR. INNES) More than five?

11          A.       Correct.

12          Q.       So you had -- you would average  
13       on a -- you would average at least one a  
14       week; is that correct?

15          A.       My previous testimony said that  
16       there were one to two a week.

17          Q.       Fair enough. So you had one to  
18       two a week between January -- or June of 2017  
19       and November of 2017.

20          A.       Yes.

21          Q.       And you still can't recall if  
22       you received documents ...

23                   Strike that.

24                   MS. TABACCHI: I'm sorry, are  
25       you finished?



1 MR. INNES: Strike that. I got  
2 twisted there.

3 Q. (BY MR. INNES) At any point in  
4 time, did you receive documentation regarding  
5 any order of interest?

6 A. I don't recall.

7 MS. TABACCHI: Object to the  
8 form.

9 Q. (BY MR. INNES) Do you mean  
10 that you don't recall whether or not you  
11 received the document?

12 MS. TABACCHI: Object to the  
13 form.

14 Q. (BY MR. INNES) I'm trying to  
15 clear up --

16 A. Would you like to restate the  
17 question? I'm sorry. I thought you were --

18 Q. Would you like me to restate  
19 the question?

20 A. Please.

21 Q. Your testimony is that any --  
22 you don't recall whether you received  
23 documentation regarding any order of  
24 interest; is that right?

25 MS. TABACCHI: Object to the

1 form. Misstates testimony.

2 Q. (BY MR. INNES) There's a  
3 question pending. If you don't understand  
4 it, you can let me know and I can --

5 A. I don't.

6 Q. What do you not recall?

7 A. I don't recall if I received  
8 any documentation.

9 Q. So you could have received that  
10 documentation. You just don't recall whether  
11 or not you received the documentation?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: Yes.

15 Q. (BY MR. INNES) And it could  
16 also be the case that you never received that  
17 documentation; is that correct?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: I don't recall.

21 Q. (BY MR. INNES) That's not the  
22 question. The question is it could also be  
23 the case that you did not receive that  
24 documentation.

25 MS. TABACCHI: Same objection.

1 Object to the form.

2 THE WITNESS: The -- and I  
3 don't recall if I received any  
4 documentation.

5 Q. (BY MR. INNES) Is it possible  
6 that you could have received documentation?

7 A. I don't recall if I received  
8 any. I don't recall.

9 Q. Do you recall there being a  
10 time when there was an order of evaluation  
11 under the -- I'm sorry, there was an order of  
12 interest evaluation, meaning that you and --  
13 you were not available for?

14 A. I remember giving a  
15 designated -- having Ramona sit in for me as  
16 a designated representative.

17 Q. And was Ramona approved by the  
18 controlled substance advisory panel to be  
19 your delegate at that meeting?

20 MS. TABACCHI: Object to the  
21 form.

22 THE WITNESS: Ramona was the  
23 one that I asked to attend in my  
24 place.

25 Q. (BY MR. INNES) Slightly

1 different question. I understand that you  
2 asked her to attend in your place. My  
3 question is whether or not she was approved  
4 by the controlled substances advisory panel  
5 as your designee.

6 A. I don't recall.

7 Q. Do you not recall or do you not  
8 know?

9 A. I don't recall.

10 Q. Do you recall a process by  
11 which you notified the controlled substance  
12 advisory panel of intention to name  
13 Ms. Sullins as your designee?

14 A. Repeat the -- I didn't hear  
15 that first part of that question.

16 Q. Sure. I'm sorry. I think I  
17 was looking down again.

18 Do you recall a point in time  
19 by which you notified the controlled  
20 substance advisory panel of intention to name  
21 Ms. Sullins as your designee?

22 A. No, I don't recall.

23 Q. Is it your understanding of the  
24 policies that were in place between June 2017  
25 and November 2017 that your designee for

1       those meetings was to be approved by the  
2       controlled substance advisory panel?

3               A.       I don't recall that.

4               Q.       Would there be something that  
5       would help refresh your recollection as to  
6       that requirement?

7               A.       I'm not aware of anything.

8               Q.       As the vice president of health  
9       and wellness between June 2017 and  
10      November '17, did you have familiarity with  
11      the policies that were in place regarding  
12      your roles and responsibilities?

13              A.       I certainly have familiarity.  
14      But as you sit here today, you're not  
15      familiar with the requirement that your  
16      designee in the controlled -- in the order of  
17      interest evaluation meetings be approved by  
18      the controlled substance advisory panel?

19                      MS. TABACCHI: Object to the  
20                      form.

21                      THE WITNESS: I just don't  
22                      recall every bit of that memorized  
23                      policy.

24              Q.       (BY MR. INNES) As you sit here  
25      today, do you have any reason to believe that

1 Ms. Sullins was, in fact, approved by the  
2 controlled substance advisory panel as your  
3 delegate at the meetings to evaluate  
4 potential orders of interest between June '17  
5 and November of '17?

6 MS. TABACCHI: Object to the  
7 form, asked and answered.

8 THE WITNESS: It was my  
9 recollection and understanding that  
10 she was a designated -- a designated  
11 individual that could sit in my place  
12 for those meetings.

13 Q. (BY MR. INNES) What was the  
14 basis for the belief that she was a  
15 designated individual that could sit in your  
16 place for those meetings?

17 A. Well, I'd -- I relied on my  
18 compliance team. And so when I was  
19 unavailable, I had the conversation, you  
20 know, "I'm going to be unavailable." And  
21 Miranda said, "No problem, you've got your  
22 designated -- designated person is Ramona."

23 And I said, "Okay. My  
24 designated person is Ramona. She can sit in  
25 my place if she's available. Let's

1 understand first if she's available."

2 Q. Did Ms. Johnson designate  
3 Ramona to sit in your place or did you  
4 designate Ramona to sit in your place?

5 A. I designated. Miranda simply  
6 communicated to me that that was appropriate  
7 and had been done, practice.

8 Q. Miranda communicated your  
9 designation of Ms. Sullins back to you?

10 MS. TABACCHI: Object to the  
11 form.

12 THE WITNESS: No, she did not.  
13 I think we're confused here.

14 She -- I designated and  
15 Miranda -- Miranda suggested to me  
16 that -- that she could be. And I  
17 said, if I have that authority, then  
18 she will be my designated.

19 So I designated. But I was --  
20 I was, again, back when we were pre --  
21 in my previous testimony, that, you  
22 know, this was a learning process and  
23 so I was going through this. And so I  
24 relied upon any compliance team  
25 members to give me -- to help me work

1           through that. And that's exactly --  
2           Miranda said, "The practice is she can  
3           be your designated," and I said,  
4           "Okay." I will designate her then."  
5           That's how that worked.

6           Q.       (BY MR. INNES) Was  
7           Miranda Johnson part of the logistics team at  
8           that point in time?

9           A.       No. She was compliance. And  
10          so she's my compliance partner. And that's  
11          who I relied on, my compliance partners.

12          Q.       And was your -- is it your  
13          understanding that your role as the health  
14          and wellness vice president at that time was  
15          governed by policies in the logistics side of  
16          the business?

17                   MS. TABACCHI: Object to the  
18          form.

19                   THE WITNESS: She -- so the  
20          logistics and the compliance team  
21          worked very closely together. And so,  
22          in fact, the -- even if it was a -- a  
23          supply chain policy, the answer is  
24          that compliance, it was -- it was  
25          driven, for lack of a better word, --



1                   Let me take that back. It  
2                   was -- it was -- it was --

3                   Compliance certainly helped --  
4                   it was guided by compliance.

5                   Q.       (BY MR. INNES) So that I  
6                   understand, the -- there is a logistics  
7                   division at Walmart; is that correct?

8                   A.       Correct. There was a supply  
9                   chain division at Walmart.

10                  Q.       And there is a compliance  
11                  division at Walmart as well?

12                  A.       There is a compliance.

13                  Q.       And those are two separate  
14                  divisions at Walmart?

15                  MS. TABACCHI: Object to the  
16                  form.

17                  THE WITNESS: Those are two  
18                  separate forms that work very closely,  
19                  hand in hand. And so when it is more  
20                  of a compliance conversation,  
21                  certainly the compliance partners  
22                  weigh in as to what that should be.  
23                  And weigh in with their suggestions.  
24                  And so that's what happened in this  
25                  case.

1 MR. INNES: Okay. Move to  
2 strike everything after the words  
3 "Separate forms."

4 Q. (BY MR. INNES) Ms. Johnson --  
5 or Ms. Hodges, I'm sorry. Ms. Johnson was  
6 not in your department; is that right?

7 A. Ms. Johnson was in compliance.

8 Q. And that was not your  
9 department at the time; correct?

10 A. Correct.

11 Q. And Ms. Johnson was, in fact,  
12 junior to you at Walmart; is that correct?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: Ms. Johnson was  
16 in another department and she had a  
17 different title. I'm not even sure  
18 what her title is.

19 Q. (BY MR. INNES) Well, your  
20 prior testimony was -- when we discussed the  
21 members and attendees at the order of  
22 interest evaluations, your testimony was that  
23 you were the senior-most person in that  
24 group; is that correct?

25 A. That is correct.

1 Q. And Ms. Johnson attended  
2 that -- those meetings?

3 A. Correct.

4 Q. And is Ms. Johnson -- is it  
5 consistent to say that Ms. Johnson is junior  
6 to you?

7 A. It is consistent to say that  
8 Ms. Johnson is in compliance and doesn't  
9 report directly to me, and it is consistent  
10 to say she's not at my level.

11 Q. She's junior to you; correct?

12 A. Correct.

13 Q. Is it your common practice to  
14 rely on employees at Walmart that are junior  
15 to you, in other departments than you, for  
16 interpretation of the policies that govern  
17 your division?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: So it's my  
21 practice to rely on my resources. And  
22 my resources are compliance and legal  
23 and -- I've got a lot of different  
24 resources. And those resources are my  
25 support system.

1                   And so, yes, I rely on my  
2                   support system.

3                   And I don't have officers  
4                   giving me advice on all of those  
5                   support systems. I have the -- what  
6                   is a support system. And Miranda was  
7                   clearly in the compliance end of my  
8                   support system.

9                   Q.       (BY MR. INNES) Who was your --  
10                  who did you report directly to in June of  
11                  2017 and November of 2017?

12                  A.       Please state the question  
13                  again.

14                           Please state that question  
15                  again.

16                  Q.       Sorry, that was quick. I'm  
17                  sorry.

18                           Who did you report directly to  
19                  during the timeframe June of '17 and November  
20                  of '17?

21                  A.       His name is Bryan Boudreaux.

22                  Q.       Did you ever consult with  
23                  Mr. Boudreaux regarding who you should  
24                  delegate as -- to attend these meetings in  
25                  your absence?

1           A.       No.

2           Q.       Instead, you consulted with  
3   Ms. Johnson; is that right?

4                   MS. TABACCHI: Object to the  
5   form.

6                   THE WITNESS: I consulted with  
7   Ms. Johnson because she was my support  
8   system.

9           Q.       (BY MR. INNES) Are you  
10   familiar with the suspicious order monitoring  
11   incident form?

12          A.       I'm not sure what you're  
13   referring to.

14          Q.       Have you ever heard the term  
15   "suspicious order monitoring incident form"?

16          A.       No.

17                   I'm not sure what you're  
18   referring to.

19          Q.       You're not sure what my  
20   reference to suspicious order monitoring  
21   incident form is?

22          A.       I'm not sure what an incident  
23   form is.

24          Q.       Okay.

25          A.       What you're referring to.

1 Q. Thank you.

2 Earlier today -- we've covered  
3 this again, but I want to go back and ask you  
4 some follow-up questions.

5 The SOM team that you -- that  
6 you oversaw performed a trend analysis on  
7 orders of interest. And they also reviewed  
8 these orders with criteria vetted through  
9 compliance. I believe your testimony on the  
10 criteria vetted through compliance was phone  
11 calls to the pharmacy regarding keying  
12 errors; is that right?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: If that's what I  
16 said, I need to course-correct it.

17 But my understanding is that --  
18 that that criteria that was -- those  
19 questions were vetted through -- were  
20 vetted through the compliance team.

21 Q. (BY MR. INNES) Okay. And what  
22 were those questions?

23 A. I don't remember what those  
24 questions are.

25 Q. Okay. Would you ever see -- do

1       you ever recall seeing a document that listed  
2       those questions?

3               A.       I did at one time, but I  
4       couldn't tell you what they are.

5               Q.       Okay. If we had that document,  
6       we'd be able to discuss what those criteria  
7       were?

8               A.       I would be able to recognize if  
9       it said questions vetted through compliance,  
10      questions for, da da da, I would be able to  
11      tell you that.

12              Q.       Do you ever remember seeing  
13      such a document like that?

14              A.       I remember seeing a document of  
15      questions. That's what I remember seeing.

16              Q.       And who showed you that  
17      document?

18              A.       I believe -- no. I don't  
19      recall.

20              Q.       Do you remember about the time  
21      period that you did see that document?

22              A.       Sure. It was early on into me  
23      picking up the team.

24              Q.       Okay. So sometime in or  
25      about -- sometime after June '17?

1           A.       It would -- sometime in that  
2       neighborhood, very -- yes.

3           Q.       It was also my understanding  
4       based on your testimony prior to lunch that  
5       members of the SOM team could clear an order  
6       of interest if there is a keying entry that  
7       was egregious and could be resolved; is that  
8       right?

9                   MS. TABACCHI:   Object to the  
10       form.

11           THE WITNESS:   And I think I  
12       testified that if there was -- to my  
13       understanding and my recollection, if  
14       there was an order that was miskeyed,  
15       that, in fact, it could -- the team  
16       could, with the conversation, go back  
17       and adjust that.   Right?

18                   But I think there potentially  
19       could be other circumstances as well.  
20       I'm just not aware of that.

21           MR. INNES:   Okay.

22           THE WITNESS:   I just don't  
23       recall that.   I'm not aware.

24           Q.       (BY MR. INNES)   And again, you  
25       never reviewed the disposition of the SOM



1 team's review of orders of interest at that  
2 level; is that right?

3 MS. TABACCHI: Object to the  
4 form.

5 THE WITNESS: Please ask --

6 I'm not sure I understand that  
7 question.

8 Q. (BY MR. INNES) Sure. Let me  
9 try to clear it up.

10 So the SOM team evaluated  
11 orders of interest; is that right?

12 A. Correct.

13 Q. Correct?

14 And there's at least one way  
15 that you recall that an order of interest can  
16 be updated in Archer to be an appropriate  
17 order; is that right?

18 A. There was one way. There may  
19 have been others. But I'm -- I can recall  
20 one way.

21 Q. Sure. And did you ever review  
22 those orders that were updated in Archer?

23 MS. TABACCHI: Object to the  
24 form.

25 THE WITNESS: No. I think I've

1 testified I wasn't in Archer.

2 Q. (BY MR. INNES) Okay. Do you  
3 know if we could -- if you were to look at  
4 Archer, whether or not you could determine if  
5 it was updated by the SOM team?

6 A. I don't know that I could  
7 determine that.

8 Q. So at this point in time, in  
9 June of '17 and November of '17, your team  
10 members have the ability to investigate  
11 orders of interest and update them as -- to  
12 be appropriate orders; is that right?

13 A. I gave you the one example  
14 of -- that I know. That they -- so they can  
15 update and -- or they can -- I think you said  
16 review or investigate. And then they can  
17 update in the instance that I recall and  
18 know, that -- where, if there is a miskey,  
19 that they can -- provided they have the  
20 information from the pharmacists, that they  
21 can go in and adjust that order.

22 Q. And these folks report up to  
23 you at this point in time, right?

24 A. Absolutely.

25 Q. And at this time period, you're

1       aware that the country is undergoing an  
2       opioid crisis; is that right?

3               A.       I am.

4               Q.       And at that point, you didn't  
5       feel the need to ensure that the folks that  
6       you oversaw were releasing orders that had  
7       already been identified as orders of interest  
8       into the marketplace?

9                       MS. TABACCHI: Object to the  
10              form.

11                      THE WITNESS: The -- would you  
12              like to restate that question for me?

13              Q.       (BY MR. INNES) Do you not  
14       understand the question?

15              A.       I didn't get it. It was too  
16       long for me.

17              Q.       From June of '17 until November  
18       of '17, you did not feel the need to assure  
19       that the folks that oversaw the orders  
20       were -- folks you oversaw were releasing  
21       orders that had been identified as orders of  
22       interest into the marketplace.

23                      MS. TABACCHI: Object to the  
24              form.

25                      THE WITNESS: I oversaw the

1 team as I saw appropriate.

2 Q. (BY MR. INNES) Did you feel it  
3 appropriate not to review the orders that  
4 they had released into the marketplace?

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: I oversaw the  
8 team as was appropriate.

9 Q. (BY MR. INNES) Was it  
10 appropriate for you not to review those  
11 orders that were cleared by your team  
12 members?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: I oversaw the --  
16 I oversaw the process as I deemed  
17 appropriate.

18 Q. (BY MR. INNES) Some of those  
19 orders were for oxycodone?

20 MS. TABACCHI: Object to the  
21 form.

22 THE WITNESS: I don't know.

23 MR. INNES: Some of those  
24 orders --

25 THE WITNESS: Was that a

1 question?

2 MR. INNES: Were some of the  
3 orders that the SOM team cleared for  
4 release and shipment for oxycodone?

5 MS. TABACCHI: Object to the  
6 form.

7 Please just give me one second.

8 THE WITNESS: I'm not aware.

9 Q. (BY MR. INNES) How could you  
10 become aware?

11 MS. TABACCHI: Object to the  
12 form.

13 Q. (BY MR. INNES) Strike that.

14 Did you have the ability at the  
15 time to determine the product that your --  
16 the SOM team was deemed to be appropriate?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: So I oversaw what  
20 I thought was appropriate.

21 MR. INNES: That wasn't  
22 responsive to my question whatsoever.

23 Q. (BY MR. INNES) Did you have  
24 the ability at the time to determine the  
25 product that the SOM team deemed to be

1 appropriate?

2 A. I don't recall.

3 MS. TABACCHI: Same objection.

4 Go ahead.

5 THE WITNESS: I don't recall.

6 Q. (BY MR. INNES) You don't  
7 recall if you had the ability to ask for a  
8 report if -- in Archer, as to what products  
9 the SOM team released?

10 A. I don't recall.  
11 I don't recall if I asked for  
12 a -- asked for ...

13 Q. Do you recall if you had the  
14 ability to ask for it?

15 A. You certainly have the ability  
16 to ask for anything, so ...

17 Q. Okay.

18 A. I would.

19 Q. You would?

20 A. I have the ability to ask for a  
21 lot of things. So to answer your question  
22 would I have the ability, I potentially could  
23 have the ability to ask for reports.

24 Q. Is there anything preventing  
25 you from asking for those reports?

1 MS. TABACCHI: Object to the  
2 form, asked and answered.

3 THE WITNESS: I would have the  
4 ability to ask for those reports.

5 Q. (BY MR. INNES) Is there  
6 anything that would deny you that ability?

7 A. I have the ability to ask for  
8 those reports.

9 Q. Is there anything that would  
10 deny that -- your request from being  
11 fulfilled?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: I have the  
15 ability to ask for the reports.

16 Q. (BY MR. INNES) And are you  
17 aware of anything that would deny your  
18 request for those reports?

19 A. I have the ability to ask for  
20 the reports.

21 Q. Is that a "no"?

22 A. I have the ability.

23 Q. I'm -- we've established quite  
24 clearly that you have the ability to ask for  
25 it.

1           A.       Multiple times here.

2           Q.       And I'm asking whether or not  
3       you're aware of anything that would prevent  
4       that request from being fulfilled.

5           A.       I --

6                   MS. TABACCHI: Object to the  
7       form.

8                   THE WITNESS: I have the  
9       ability.

10          Q.       (BY MR. INNES) You would agree  
11       that you never -- even though you had the  
12       ability, you never made the request?

13          A.       I don't recall making that  
14       request, no.

15          Q.       Do you recall ever receiving a  
16       communication saying that you could not have  
17       that information?

18          A.       I don't recall seeing any  
19       communication saying I did not.

20          Q.       What is an order of interest in  
21       June of '17 --

22          A.       You just dropped the first two  
23       words. I apologize.

24          Q.       Sorry. My fault.

25                   In June of 2017 through



1 November of 2017, what was an order of  
2 interest?

3 A. My understanding, an order of  
4 interest was -- first of all, it was  
5 triggered; right? By the Reddwerks system.

6 Did you say June? 2017?

7 Q. That's correct.

8 A. Yeah.

9 So it was triggered in the  
10 system, but it was triggered in the system on  
11 thresholds.

12 Q. And when you say "it," I want  
13 to come to an understanding of what we're  
14 talking about when we're talking about an  
15 order.

16 A. An order?

17 Q. An order. What is your  
18 understanding of an order at Walmart for the  
19 C-II?

20 A. My understanding of an order is  
21 when a -- an order is downloaded into the  
22 system. And so when the order comes from the  
23 stores, that is an order, and it is  
24 downloaded through the system to the DC.

25 Q. And when a pharmacy places an

1       order in the system to the DC, it's ordering  
2       multiple products at the same time. Isn't  
3       that correct?

4                   MS. TABACCHI: Object to the  
5       form.

6                   THE WITNESS: An order does --  
7       on an order -- you can get multiple  
8       items on an order.

9       Q.       (BY MR. INNES) Okay. So when  
10      you're reviewing orders of interest, are you  
11      reviewing the order with multiple -- I just  
12      want to make sure I use it right -- multiple  
13      items, or are you reviewing a single item?

14                  MS. TABACCHI: Object to the  
15      form.

16                  THE WITNESS: The order of  
17      interest is the -- are the -- what is  
18      being reviewed on the order of  
19      interest is the item that is of  
20      interest, that has triggered -- been  
21      triggered into the Reddwerks system.

22      Q.       (BY MR. INNES) Okay. I think  
23      I understand that.

24                  So it would be more accurate to  
25      say we're looking at items of interest?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: We have called it  
4 orders of interest.

5 Q. (BY MR. INNES) Well, when you  
6 look at an order of interest, are you  
7 considering -- so you're looking at the  
8 single item that's been flagged; is that  
9 right?

10 MS. TABACCHI: Object to the  
11 form.

12 THE WITNESS: So --

13 MR. INNES: Strike that. Let  
14 me ask a better --

15 When you're reviewing an order  
16 of interest, you're reviewing the  
17 items on that order -- item or items  
18 on that order that have been  
19 identified by Reddwerks; is that  
20 correct?

21 THE WITNESS: That have been  
22 identified as orders of interest.

23 Q. (BY MR. INNES) When you  
24 yourself are -- were reviewing orders of  
25 interest, did you consider the entire order,

1 or just the items that were flagged on that  
2 order?

3 A. So that's out of my area of  
4 expertise, because I myself did not review  
5 those orders. You've just couched that --  
6 you yourself have reviewed those orders. I  
7 myself did not review those orders when they  
8 came in. My team reviewed those orders.

9 Q. Okay. So maybe the confusion  
10 is, you're at a different point in time than  
11 I am. You -- you reviewed orders of  
12 interest; isn't that right?

13 A. In the process, I reviewed  
14 orders of interest.

15 Q. At what point in the process  
16 did you review orders of interest?

17 A. We reviewed orders of interest  
18 when it got down to Miranda, Roxy, and Debbie  
19 reviewing orders of interest.

20 Q. So let's go to the meeting.  
21 When you were in that meeting, were you  
22 reviewing the items on the order or were you  
23 reviewing the order as a whole?

24 A. The review was of the items on  
25 the order. The item that was in question on

1 the order.

2 Q. As part of your consideration  
3 of that order of interest, did you also --  
4 did you consider the context of -- did you  
5 consider the context in which that item was  
6 ordered?

7 MS. TABACCHI: Object to the  
8 form.

9 THE WITNESS: You'll have to  
10 give me definition of -- clarify  
11 context for me, please.

12 Q. (BY MR. INNES) I'm wondering  
13 in that order of interest meeting, when you  
14 were reviewing the order of interest, did you  
15 consider the other items, if any, that were  
16 on the order? Or were you just looking  
17 specifically at the flagged order?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: So in that  
21 meeting, Roxy would communicate to us  
22 a lot of different information. But  
23 if it was one type of drug, she would  
24 also communicate to us that same type  
25 of drug, just in a different dosage.

1 Q. (BY MR. INNES) Can you give me  
2 an example?

3 A. No. I don't even -- I mean,  
4 different -- different pill dosages.

5 Q. So let's say -- let's take, for  
6 instance, an order that had -- was flagged  
7 and you're reviewing -- the flagged order is  
8 an Oxy 5.

9 Would Roxy -- and that same  
10 order contains an item for an Oxy 10.

11 In this example, the Oxy 10 has  
12 not been flagged. Was it your understanding  
13 that Roxy would explain that the Oxy 5 had  
14 been flagged, but that the order also  
15 contained an order for Oxy 10?

16 A. Roxy would provide information  
17 on the same drug, but different dosages.  
18 That's what she would provide.

19 Q. I can make this -- maybe if I  
20 make the example more generic.

21 Same hypothetical. If you're  
22 reviewing an order of interest, and that's  
23 for an opioid A, for 5 milligrams, would Roxy  
24 provide information about other opioids,  
25 other opioid as on that same order form, for

1 different dosages?

2 MS. TABACCHI: Object to the  
3 form.

4 THE WITNESS: She would provide  
5 information -- I don't recollect if  
6 she would provide what you've just  
7 described, but she would provide  
8 information on the same type of drug.  
9 Different dosages.

10 Q. (BY MR. INNES) But you never  
11 saw the actual order form in that review  
12 process; is that right?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: I've testified  
16 that that communication was verbal.

17 Q. (BY MR. INNES) So you can't --  
18 sitting here today, you can't say for certain  
19 that Roxy accurately recited that order form  
20 to you?

21 MS. TABACCHI: Object to the  
22 form.

23 THE WITNESS: Well, I relied on  
24 Roxy, or Miranda, or all of my support  
25 staff. I had no reason to believe

1           that they weren't experts in their  
2           lanes. No reason.

3                   And so that was my source of  
4           support. And so there would be no  
5           reason to think that they were going  
6           to mislead me.

7           Q.       (BY MR. INNES) Did the trend  
8           analysis run by the SOM team include  
9           different dosages?

10          A.       I don't know that I -- I don't  
11          recall.

12          Q.       Do you know -- what can you  
13          tell me, if anything, about the trend  
14          analysis -- the trend analyses that were run  
15          by your SOM team?

16                   MS. TABACCHI: Object to the  
17          form. Asked and answered.

18                   THE WITNESS: I think I've  
19          already answered that. I don't recall  
20          the details of that.

21          Q.       (BY MR. INNES) You don't  
22          recall any of the details of that?

23          A.       I didn't say any. I said I  
24          don't recall -- I didn't recall the details  
25          of the --



1 Q. (BY MR. INNES) What details do  
2 you recall?

3 A. I recall that there were  
4 analyses run, and I recall that that  
5 information then was transferred over to Roxy  
6 and team, and she took that information,  
7 coupled with the information that she pulled  
8 for the analysis, and then collectively, from  
9 all of that information, we made the  
10 decisions. That's what I recall.

11 Q. Where did your team pull the  
12 data from to run their analyses?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: My team pulled it  
16 out of the system.

17 Q. (BY MR. INNES) What system is  
18 that?

19 A. They pulled it out of the  
20 system. And I have no other recollection  
21 than that of the system.

22 Q. Right. My question is what's  
23 the name of that system? If you don't  
24 recall, you don't recall. I'm just asking  
25 what the name of the system is.

1           A.       I don't know what the name of  
2       the system is that they pulled it out of.

3           Q.       Do you know how often they  
4       pulled the information out of the system?

5                   MS. TABACCHI: Object to the  
6       form.

7                   THE WITNESS: They pulled it  
8       out of the system every time they had  
9       an order of interest. And so they  
10      pulled the analysis out every time  
11      they had an order of interest.

12          Q.       (BY MR. INNES) So there was an  
13      individual analysis done for each order of  
14      interest?

15          A.       Yes.

16          Q.       And where is a record kept of  
17      each of those analyses?

18                  MS. TABACCHI: Object to the  
19      form.

20                  THE WITNESS: I don't  
21      recollect.

22          Q.       (BY MR. INNES) Did you ever  
23      ask your team members if they ever saved them  
24      in a central location?

25          A.       I know they passed them on to

1       Roxy. We were an information gathering, and  
2       then they passed them on to Roxy where the  
3       decision -- where there was more information  
4       coupled with that before it got to the  
5       decision process.

6               Q.       How is that information passed  
7       from your team to Roxy?

8               A.       I'm not for sure.

9               Q.       Were you ever copied on an  
10       email that transmitted that information from  
11       your team members to Roxy?

12              A.       Not that I remember. Not that  
13       I remember.

14              Q.       Does Walmart maintain any  
15       central files where your team members are  
16       told to save their analyses?

17                      MS. TABACCHI: Object to the  
18       form.

19                      THE WITNESS: Can you narrow  
20       that question any?

21              Q.       (BY MR. INNES) The trend  
22       analyses that your analysts performed on  
23       Schedule II narcotics, did Walmart at any  
24       time direct those files to be saved in a  
25       central location?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: Not to my  
4 recollection.

5 MS. TABACCHI: Mike, whenever  
6 you're at a good point for a quick  
7 break, let me know.

8 MR. INNES: Do you want to take  
9 five right now?

10 MS. TABACCHI: Sure.

11 MR. INNES: Okay.

12 THE VIDEOGRAPHER: 1:31. We  
13 are off the video record.

14 (Recess taken, 1:31 p.m. to  
15 1:36 p.m.)

16 THE VIDEOGRAPHER: 1:36. We  
17 are on the video record.

18 Q. (BY MR. INNES) Okay. We're  
19 back, Ms. Hodges, and I want to take you to  
20 the -- there's one piece of the review  
21 process that I think we may have -- may have  
22 left out, at least my understanding, based on  
23 the documents.

24 Following the meeting that you  
25 had with Roxy and Miranda, or one of your

1       designees, did the controlled substances  
2       panel play any role?

3               A.       Not during my tenure. Not  
4       during my time of reviewing.

5               Q.       Okay. So you don't remember  
6       ever -- the controlled substances panel  
7       making a decision regarding order of  
8       interest?

9               A.       Correct. Not during my time.  
10       Not during the -- the June-ish timeframe  
11       through the November.

12              Q.       Okay. And I want to ask my  
13       question in a slightly different way.

14                      Did the controlled substances  
15       panel ever make a decision regarding an order  
16       of interest during the June '17 to 11-17  
17       timeframe?

18              A.       No. Not to my recollection.

19              Q.       Is it possible that the  
20       controlled substances panel made a decision  
21       from the June '17 to the November '17  
22       timeframe?

23              A.       Not to my recollection. I  
24       don't remember. Not to my recollection.

25              Q.       Let's go back into the -- put

1     you in the chair in a meeting with Miranda  
2     and Roxy or their designees where you're  
3     evaluating orders of interest to determine  
4     whether or not they're suspicious orders or  
5     whether or not they're appropriate orders.  
6     So in the June 2017 to November 2017  
7     timeframe.

8                     You've testified that Roxy  
9     would make an oral presentation, at times  
10    perhaps show you her computer screen  
11    regarding the information on a particular  
12    order that had been flagged as an order of  
13    interest. Is that right?

14            A.     I testified that she would make  
15    oral presentations, and very seldom she would  
16    turn her computer around. But for the most  
17    part, they were oral presentations, yes, sir.

18            Q.     So very seldomly would you get  
19    a view of a primary document that Roxy was  
20    relying on. Is that right?

21            A.     Very seldom did I get any kind  
22    of -- yeah, a view. It was an oral  
23    presentation.

24            Q.     So what did you -- what  
25    criteria did you rely on personally to reach

1 a decision after receiving the information  
2 from Roxy?

3 A. So as the process went, first  
4 of all, she would read through all of the  
5 pertinent information. And I would ask  
6 additional question -- I would ask questions.  
7 Miranda would ask questions. Roxy would  
8 sometimes -- she would sometimes look up  
9 additional information right there, based  
10 on -- based on some of the questions. Right?

11 If she could not answer all of  
12 those questions, then we -- she had to go  
13 back and get additional information at times.

14 But the -- so I relied on the  
15 information that she gave. That's what I --  
16 I relied upon.

17 Q. And you say you relied upon the  
18 pertinent information. Or I'm -- strike  
19 that.

20 You said that Roxy conveyed the  
21 pertinent information. Is that right?

22 A. She relayed information.

23 I found it pertinent. I found  
24 it informative.

25 She relied on the information

1       that they consistent -- they consistently  
2       went through the same information on every  
3       order.

4               Q.       Okay. And what information was  
5       that?

6               A.       I don't recall all of the  
7       details, but some of that information was  
8       obviously the name of the drug. Some of the  
9       information was the dosage of drug. The  
10      information was the frequency that that drug  
11      had been delivered. That information was  
12      the -- part of it was the proximity of  
13      that -- the proximity of the order to a pain  
14      facility. That type of information.

15                      But she consistently went  
16      through the same information every time.

17              Q.       Any other information sitting  
18      here today that you can recall Roxy providing  
19      on a consistent basis every time?

20              A.       There was more information than  
21      I just went through. I just walked you  
22      through what I could remember.

23              Q.       And you have no notes from  
24      those meetings?

25              A.       Correct, no notes.



1           Q.       You didn't send a follow-up  
2       email to Roxy or Miranda following those  
3       meetings?

4           A.       No. No. Not that I recall.

5           Q.       Did you send a follow-up email  
6       to anyone following those meetings?

7           A.       Not that I recall.

8           Q.       Did you tell Bryan -- I'm  
9       sorry, is it Mr. Boudreaux?

10          A.       (Witness nods.)

11          Q.       Did you tell Mr. Boudreaux  
12       about any of the content of those meetings?

13          A.       Not that I recall.

14          Q.       Did Mr. Boudreaux ever ask you  
15       about the content of those meetings?

16                   MS. TABACCHI: Object to the  
17       form.

18                   THE WITNESS: Not that I  
19       recall.

20          Q.       (BY MR. INNES) Were you ever  
21       asked to present to the controlled substances  
22       panel regarding those meetings?

23                   MS. TABACCHI: Object to the  
24       form.

25                   THE WITNESS: Not that I

1 recall.

2 Q. (BY MR. INNES) Are you a  
3 member of the controlled substances panel?

4 MS. TABACCHI: Object to the  
5 form.

6 MR. INNES: I can strike that.

7 Q. (BY MR. INNES) Are you  
8 familiar with the term "controlled substances  
9 panel"?

10 MS. TABACCHI: Object to the  
11 form.

12 THE WITNESS: I'm familiar with  
13 the term.

14 Q. (BY MR. INNES) Are you  
15 familiar with the members of the controlled  
16 substances panel?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: I couldn't name  
20 who's on that panel.

21 Q. (BY MR. INNES) So you're aware  
22 of its existence?

23 MS. TABACCHI: Object to the  
24 form.

25 THE WITNESS: I'm aware that

1           there is a controlled -- I'm aware  
2           that there is a panel.

3           Q.       (BY MR. INNES) And are you  
4       aware of the panel's function?

5                   MS. TABACCHI: Object to the  
6       form.

7                   THE WITNESS: I'm aware of  
8       the -- and I'm aware of what the panel  
9       states in the policy, but I'm -- I've  
10      never seen the panel operate.

11          Q.       (BY MR. INNES) You've never  
12      attended a panel meeting?

13                  MS. TABACCHI: Object to the  
14      form.

15                  THE WITNESS: I have -- not to  
16      my recollection.

17          Q.       (BY MR. INNES) Did you ever  
18      receive any communications from members --  
19      from the panel?

20                  MS. TABACCHI: Object to the  
21      form.

22                  THE WITNESS: Not to my  
23      recollection.

24          Q.       (BY MR. INNES) As an initial  
25      matter, when you sat in the meetings with

1       Roxy, Miranda or their designees, in the  
2       June '17-November '17 time period, when  
3       looking at a particular order, did you have  
4       an understanding whether it was flagged  
5       because of a particular size?

6                       MS. TABACCHI: Object to the  
7       form.

8                       THE WITNESS: So I didn't look  
9       at the order, but when they  
10      communicated it to me, they  
11      communicated that it was an order of  
12      interest. And she just went down all  
13      of the information.

14                      I don't recall it being as of  
15      size was -- she didn't state that.  
16      She went through all of the  
17      information.

18                      She said, "This is an order of  
19      interest," and then she started in  
20      with the information.

21                      Q.       (BY MR. INNES) Would the size  
22      of the order be part of that information?

23                      MS. TABACCHI: Object to the  
24      form.

25                      THE WITNESS: Can you repeat

1           that?   Would the --

2           Q.       (BY MR. INNES)   Would she  
3   provide the size as part of that information?

4           A.       Yes.

5           Q.       Would she provide the pattern  
6   of order history as part of that information?

7           A.       Yes.

8           Q.       Would she provide information  
9   regarding the frequency of orders?

10          A.       Yes.

11          Q.       And she would provide -- would  
12   she provide that same information for each  
13   order?

14                   MS. TABACCHI:   Object to the  
15   form.

16                   THE WITNESS:   She provided that  
17   for each item that was being reviewed.

18          Q.       (BY MR. INNES)   So each item,  
19   you were provided with metrics regarding the  
20   size?

21          A.       Yes.

22          Q.       And for each --

23          A.       To my recollection.

24          Q.       And for each item flagged, you  
25   were provided with information regarding

1 pattern of that order?

2 MS. TABACCHI: Object to the  
3 form.

4 THE WITNESS: To my  
5 recollection.

6 MS. TABACCHI: I'm so sorry.  
7 Go ahead.

8 Q. (BY MR. INNES) And for each  
9 one of those orders, you were provided with  
10 information regarding the frequency of the  
11 order?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: When you say  
15 "each one." To my recollection, she  
16 went over -- I remember that -- all of  
17 those being conveyed. Whether in a  
18 setting that she covered -- how -- how  
19 deep --

20 I mean, I remember all of those  
21 being conveyed in the different  
22 conversations.

23 Q. (BY MR. INNES) And you  
24 remember all of those being conveyed with  
25 respect to each particular order that was

1       being reviewed?

2                       MS. TABACCHI:   Object to the  
3               form.

4                       THE WITNESS:   To the item.

5               Q.       (BY MR. INNES)   The item that  
6       was being reviewed?

7               A.       I remember that there was  
8       conversation around those.

9               Q.       What would be an example of an  
10      unusual pattern that was provided to you?

11                      MS. TABACCHI:   Object to the  
12              form.

13                      THE WITNESS:   I've slept since  
14      then.   I don't know that I could give  
15      you an example of the pattern.   So ...  
16      but I relied upon Roxy.   She is my  
17      compliance partner, and she would --  
18      she would walk me through -- walk  
19      Miranda and I and herself through the  
20      information.

21              Q.       (BY MR. INNES)   Either I  
22      misheard it or we've got a strange transcript  
23      or it's an idiom that I'm not familiar with.  
24      You said "since I've slept"?

25              A.       I've slept since then.   I don't

1       remember everything that's happened since  
2       back in April to November. I have slept  
3       since then. Have you not heard that?

4               MR. INNES: No, I haven't.

5               THE WITNESS: That's a  
6       Midwestern terminology.

7               MR. INNES: I like it. I'm  
8       going to borrow it.

9               But we need to investigate it a  
10       little bit further in the context of  
11       this case.

12              Q.       (BY MR. INNES) What would be  
13       an example of an unusual pattern that Roxy  
14       presented to you in the context of your  
15       review of an order of interest in those  
16       meetings?

17              MS. TABACCHI: Object to the  
18       form.

19              THE WITNESS: I don't --

20              MS. TABACCHI: Go ahead.

21              THE WITNESS: I don't recall  
22       specifics around what was an example  
23       of the pattern.

24              Q.       (BY MR. INNES) Well, what do  
25       you recall?



1           A.       In regards to? Can you clarify  
2 what you want me to recall?

3           Q.       You just said you can't -- you  
4 can't recall specifics. And I'm asking you,  
5 can you recall general things?

6           A.       I can recall that she walked  
7 through the information that I walked you  
8 through earlier, and I recall that we met two  
9 times -- approximately two times a week,  
10 depending on the number of orders.

11                   I recall that depending on the  
12 number of orders, the number of items being  
13 reviewed, the length of the meetings being  
14 different, there was no set.

15                   We -- we reviewed those until  
16 we completed them.

17                   And until it was appropriate.  
18 We had sufficient enough information in time  
19 to complete.

20                   I remember that there were  
21 times that I asked questions and that Miranda  
22 asked questions and that Roxy asked  
23 questions. I remember that she went back and  
24 got information. Sometimes while we were  
25 sitting there, sometimes she went and

1       retrieved additional information that we  
2       went, "hmm," and asked for.

3                   I remember -- I remember that  
4       we made a decision in each and every case  
5       that -- and if we didn't, we sent it back --

6                   We eventually made a decision  
7       on every one of those being reviewed. That's  
8       what I remember.

9                   MR. INNES: Okay. I'll move to  
10       strike that answer as non-responsive  
11       to my very simple question which was,  
12       what do you recall regarding -- what  
13       do you recall regarding specific  
14       examples that Roxy presented to you on  
15       patterns of orders?

16                   THE WITNESS: I don't recall.

17               Q.       (BY MR. INNES) Your previous  
18       testimony was you don't recall specifics  
19       around what was an example of a pattern.

20               A.       I don't recall specifics around  
21       the pattern.

22               Q.       What do you recall in terms of  
23       generalities?

24                   MS. TABACCHI: Object to the  
25       form. Asked and answered.

1 MR. INNES: It was asked, but  
2 it wasn't answered.

3 THE WITNESS: I don't recall  
4 specifics around.

5 MR. INNES: That's not  
6 responsive to my question. You don't  
7 recall specifics. Do you recall  
8 anything?

9 THE WITNESS: I recall that she  
10 covered information around patterns.

11 Q. (BY MR. INNES) And what  
12 information did she cover around patterns?

13 MS. TABACCHI: Object to the  
14 form. Asked and answered.

15 THE WITNESS: I recall that  
16 the -- she recall -- that -- the  
17 ordering patterns. That she walked  
18 through ordering patterns.

19 Q. (BY MR. INNES) What are  
20 ordering patterns?

21 A. Ordering patterns that she  
22 covered were the patterns of ordering from  
23 that particular facility.

24 Q. Tell me what your definition of  
25 a pattern is.

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: A pattern is  
4 something that you see multiple times,  
5 in its very simplistic definition.

6 Q. (BY MR. INNES) In the context  
7 of your review of orders of interest, and  
8 patterns presented to you by Roxy, is it fair  
9 to say that those patterns were simply the  
10 orders that were placed by a particular  
11 pharmacy?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: The patterns that  
15 she laid out were patterns of  
16 frequency. Patterns of -- that's the  
17 type of patterns that we saw. That we  
18 were communicated to. I didn't see  
19 them.

20 Q. (BY MR. INNES) And as part of  
21 this review process, it was -- you were to  
22 look for unusual patterns; isn't that right?

23 A. That is part of the policy and  
24 process, correct.

25 Q. And what do you determine to be

1 an unusual pattern?

2 A. So the good news is, the good  
3 news is I had -- I had her as my business  
4 partner, right? And so when she said,  
5 "Debbie, Miranda, here's an unusual -- here's  
6 an unusual pattern" and she would lay it out.  
7 And she would say, "Here is a pattern that is  
8 not consistent," and she would lay it out.

9 And so the good news is she was  
10 teaching me in that process. Right? And so  
11 she taught me. And so I trusted her as a --  
12 as a support, and so she gave me the --  
13 here's -- "This is unusual. And this is what  
14 it looks like. And let's have a discussion  
15 around it." So ...

16 Q. You were one of three people in  
17 this meeting; right?

18 A. Absolutely.

19 Q. And Walmart's policy set it up,  
20 so there's always three people in this  
21 meeting; isn't that right?

22 A. Yes.

23 Q. And the fact that there  
24 couldn't be three people in the meeting, it  
25 went to the controlled substances advisory

1 panel; isn't that right?

2 A. To my recollection, yes.

3 Q. And you are one of -- again,  
4 one of three people in the entire meeting;  
5 isn't that right?

6 A. That's correct.

7 Q. And so what's the -- what is  
8 the purpose of you being in that meeting if  
9 you're just accepting the other members as  
10 truth?

11 MS. TABACCHI: Object to the  
12 form. Harassing the witness.

13 THE WITNESS: So, you know, I  
14 didn't accept -- you put words in my  
15 mouth just then. I didn't accept.

16 And so the answer is, she -- I  
17 started in May, June -- actually, it  
18 was June, let's course-correct that.  
19 It was in June, and you have to be  
20 given some education. They gave me  
21 education. We worked through it. It  
22 was on a -- on an evolution process,  
23 and so she continued to help walk  
24 through.

25 I didn't walk into the job and

1 say, "Sam, this is what it is." We  
2 walked through that evolution of what  
3 all of that looks like. And we walked  
4 through the evolution of here's the  
5 information I'm going to supply you.

6 Q. (BY MR. INNES) Okay. So after  
7 you completed your education as to what an  
8 unusual pattern was in the context of orders  
9 of interest reviews, what is your  
10 understanding today of what an unusual  
11 pattern is?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: When we were  
15 going through the process, she would  
16 help identify. She would preface and  
17 say, "This is an unusual pattern,  
18 Debbie. Let's just walk through it,"  
19 what it looked like. We walked  
20 through it every time.

21 Q. (BY MR. INNES) And did you  
22 ever challenge her on what an unusual pattern  
23 was?

24 A. I challenged her on a lot -- I  
25 had a lot of different questions during the

1 process, obviously, because I only started in  
2 June; right? And only did it until November.  
3 So I had a lot of questions in this process.  
4 And that was my job to question.

5 Q. Did you ever disagree with  
6 Roxy's characterization of a particular  
7 pattern as unusual?

8 A. I don't recall if I disagreed  
9 with the pattern.

10 Q. Did you ever find a pattern to  
11 be usual that Roxy found to be unusual?

12 A. I don't recall if I found a  
13 pattern of usual that she thought was  
14 unusual.

15 Q. Would you recognize a usual  
16 pattern if you saw it?

17 MS. TABACCHI: Object to the  
18 form.

19 Q. (BY MR. INNES) Should I --  
20 would you like me to ask the question again?

21 A. Yes, please.

22 Q. Would you recognize a usual  
23 pattern if you saw it?

24 MS. TABACCHI: Object to the  
25 form.



1 THE WITNESS: It's -- it's --  
2 perhaps.

3 Q. (BY MR. INNES) Give me an  
4 example of a usual pattern.

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: You have to -- to  
8 see an unusual pattern, you can't just  
9 go off of what is the unusual pattern?  
10 What you have to do is you have to  
11 look at a set of circumstances; right?  
12 And so an unusual pattern is in all  
13 different aspects of that information,  
14 or can be gleaned from all different  
15 aspects of that information.

16 And so you would have to  
17 understand and know all of the  
18 different pieces of information that  
19 came with that one order. And -- and  
20 to be quite frank, that's why we did  
21 individual orders. And why we did  
22 them and why we questioned -- had all  
23 of the information. Because every set  
24 of circumstances was different.

25 And so that -- so to sit here

1           and say, "Give me what an unusual  
2           pattern looks like," it's going to  
3           look different in different drugs.  
4           It's going to look different from  
5           different areas of the country. It's  
6           going to look different from all of  
7           those different situations.

8                       So that's why you review that  
9           documentation.

10           Q.       (BY MR. INNES) And you would  
11           analyze all of the information that you just  
12           listed to do it proper; right?

13                       MS. TABACCHI: Object to the  
14           form.

15                       THE WITNESS: I would leave --  
16           I would need the information that she  
17           provided during those meetings.

18                       MR. INNES: And you just lifted  
19           off all of this information that you  
20           yourself would have needed to evaluate  
21           whether or not that order that was  
22           presented to you by Roxy as unusual,  
23           could be verified by you as unusual.  
24           Isn't that right?

25                       MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: Maybe I misspoke.  
3 I don't verify any of that.

4 And what -- once again, I rely  
5 on them as a support team. And so  
6 Roxy would provide that information.  
7 I would ask questions. And based on  
8 those questions and based on all of  
9 this accept -- different facts, then  
10 we would collectively -- we would  
11 collectively make a decision.

12 Q. (BY MR. INNES) So you don't --  
13 you don't verify the analysis that's been  
14 given to you by Roxy?

15 A. Well, she is my support, and  
16 she is the one that I would rely on.

17 And so the answer is, I don't  
18 independently -- I did not independently  
19 verify every piece of information she brought  
20 to me. If that is your question.

21 Q. Did you accept every piece of  
22 information that Roxy brought to you as  
23 gospel?

24 MS. TABACCHI: Object to the  
25 form.

1 THE WITNESS: That's why I ask  
2 questions. That's -- that was why the  
3 form was there, and that's why we ask  
4 questions.

5 Q. (BY MR. INNES) What form are  
6 you referring to?

7 A. Form as in that's why the --  
8 not a -- not a paper form. That's why the --  
9 that's why we had the meeting. So the form I  
10 just referred to, that's why Miranda, Roxy,  
11 and Debbie met. Was so that we could -- in  
12 that form, or in that meeting, that we could  
13 cover all of that information.

14 Q. And "Debbie," referring to  
15 yourself; right?

16 A. Correct.

17 MS. TABACCHI: I'm sorry, when  
18 you said "form," do you mean "forum"?

19 THE WITNESS: Yes.

20 MS. TABACCHI: Forum.

21 THE WITNESS: Or consolidate.  
22 F-O-R-U-M.

23 Q. (BY MR. INNES) That makes a  
24 world of difference. Thank you.

25 A. Thank you.

1           Q.       What factors would you  
2       personally look for to determine whether an  
3       ordering pattern for a Schedule II was  
4       unusual?

5                   MS. TABACCHI: Object to the  
6       form. Asked and answered.

7                   THE WITNESS: I would look to  
8       the information that Roxy provided me.

9                   And so depending on those  
10       individual details, and that  
11       individual -- to that individual item,  
12       that's what I would look to.

13          Q.       (BY MR. INNES) So Roxy  
14       provided you with information; correct?

15          A.       Correct.

16          Q.       How did you evaluate the  
17       information that Roxy gave you?

18          A.       Well, Roxy provided information  
19       that she -- she also, along with information,  
20       she would give some -- some insight as to,  
21       this is what a pattern looks like. Right?

22                   This is -- this is, hmm. This  
23       is what a --

24                   So she provided information and  
25       she would say, "And this is ... So she would

1 give guidance as well as information.

2 Once again, because she was my  
3 support. She was our -- she is the support.  
4 She's not just my support. She's the  
5 compliance support that provided that  
6 information, just as Miranda was as well.

7 Q. Miranda was also your support?

8 A. Sure. She was my compliance  
9 support.

10 Q. So the members of this group,  
11 you have three members; is that right?

12 A. Of? Apologize.

13 MS. TABACCHI: Object to the  
14 form.

15 Q. (BY MR. INNES) Of this review  
16 meeting. There's Debbie, Miranda, and Roxy,  
17 or their designees; right?

18 A. Correct.

19 Q. And Debbie and -- I'm sorry,  
20 Miranda and Roxy are supporting you in that  
21 meeting.

22 A. We collectively make decisions  
23 together.

24 Q. Of -- what -- what was  
25 Miranda's role in these meetings?

1           A.       What was Miranda's role? I  
2       didn't hear the rest of it.

3           Q.       Correct. What was her role in  
4       these meetings? We've talked a lot about  
5       your role. We've talked about Roxy's role.  
6       But I've neglected Miranda's role. What was  
7       Miranda's role in the meeting?

8           A.       Miranda questioned. She  
9       added -- or asked questions around the  
10      information that Roxy provided. I mean, it  
11      was very -- very similar. She -- she did  
12      give some thought processes around the  
13      information that she saw, but it was a very  
14      similar role.

15          Q.       What thought processes around  
16      the information that you saw did you provide  
17      to the group?

18                   MS. TABACCHI: Object to the  
19      form.

20                   THE WITNESS: Are you asking  
21      what questions I asked, or are you  
22      asking -- is that what you're asking?

23          Q.       (BY MR. INNES) Well, you've  
24      dissembled questions and thought processes  
25      when it comes to Miranda's function. Right?

1       So I'm asking you -- you've asked questions.  
2       I know that. You've said that several times  
3       now.

4                       I'm asking you what the thought  
5       processes you were -- that you had that you  
6       shared with the group in this decision-making  
7       process?

8                       MS. TABACCHI: Object to the  
9       form.

10                      THE WITNESS: The thought  
11       processes were very limited at first,  
12       since I didn't have -- since I was in  
13       the evolution of learning the  
14       information. Right?

15                      But later on, as I understood  
16       and as I had been in enough meetings,  
17       I would have -- have observations  
18       about the data. Or questions.

19                      Q.       (BY MR. INNES) Ms. Hodges, you  
20       have a JD; correct?

21                      A.       Yes.

22                      Q.       You went to law school?

23                      A.       I did.

24                      Q.       You passed the bar?

25                      A.       I did.



1           Q.       You are now in a position that,  
2       in at least some capacity, deals with  
3       compliance with the federal regulations; is  
4       that right?

5                   MS. TABACCHI: Object to the  
6       form.

7                   THE WITNESS: The role that I  
8       have is not to interpret the law. The  
9       role that I have is to ensure that we  
10      are about the distribution of the  
11      goods and the appropriate  
12      distribution. So I'm not sure if you  
13      want to recouch that question. I lost  
14      it when I was in the middle of that  
15      conversation -- answer.

16           Q.       (BY MR. INNES) That's okay.  
17      Because I was going to move to strike it as  
18      non-responsive anyway.

19           A.       Okay.

20           Q.       You're in a position now that,  
21      at least in some capacity, deals with the  
22      Controlled Substances Act; "yes" or "no"?

23                   MS. TABACCHI: Object to the  
24      form.

25                   THE WITNESS: Are you talking

1 current or are you talking in --

2 Q. (BY MR. INNES) I'm sorry, I'm  
3 talking about June '17 to 11-17.

4 A. Yes.

5 Q. Okay.

6 And you've held positions your  
7 entire professional career with Walmart; is  
8 that right?

9 MS. TABACCHI: Object to the  
10 form.

11 THE WITNESS: I've held other  
12 positions outside, a few, outside of  
13 Walmart, but yes, I -- my career has  
14 been mostly with Walmart.

15 Q. (BY MR. INNES) And you've been  
16 successful in those positions at Walmart?

17           A.       That might be debatable.

18 Q. Do you want to debate that one?

19                      A.                      No.                      No.

20 Q. All right.

21 A. No. I -- yes, I've had a  
22 successful business career with Walmart.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



1           A.       I couldn't tell you how much it  
2       was.

20 MS. TABACCHI: Object to the  
21 form.

Category	Value
Category 1	10
Category 2	100
Category 3	90
Category 4	20

1                   [REDACTED]                   [REDACTED]                   Do you receive  
2                   stock options?

3                   A.           I do.

4                   Q.           What's the approximate value of  
5                   the stock options you've received in the past  
6                   year and a half?

7                   A.           I don't know.

8                   Q.           How much do you hold in Walmart  
9                   stock?

10                  A.           I don't know that either.

11                  Q.           Do you hold more than one  
12                  share?

13                  [REDACTED]                   [REDACTED]                   [REDACTED]  
14                  Q.           Do you hold more than 1,000  
15                  shares?

16                  A.           I don't recall how much I hold.

17                  Q.           Do you know the present value  
18                  of Walmart's stock?

19                  A.           Nope, I don't.

20                  Q.           Do you know what class of stock  
21                  you hold?

22                  A.           Pardon me?

23                  Q.           Do you know what class of stock  
24                  you hold?

25                  A.           I don't know what class of

1 stock I hold.

2 Q. Do you know the approximate  
3 value of all stock held and all stock options  
4 held?

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: I don't.

8 Q. (BY MR. INNES) So you've had a  
9 successful career with Walmart. You agreed  
10 to that.

11 [REDACTED]  
12 [REDACTED] And  
13 you came into a role with a background in  
14 law, with a successful background in  
15 business. Is it that complex to get up to  
16 speed on the requirements of the CSA?

17 MS. TABACCHI: Object to the  
18 form.

19 THE WITNESS: My responsibility  
20 here is to -- is from a distribution  
21 standpoint, not to insure that -- I  
22 rely upon my compliance team members  
23 to -- and my legal. I've got a --  
24 I've got legal members and compliance  
25 members that that is their function.

1           Their support function is to ensure  
2           that we are following policy.

3           Q.       (BY MR. INNES) And those  
4           folks, under you, look to you to make sure  
5           that you're following the -- that your  
6           division is following the policies as set up  
7           by Walmart; is that right?

8                   MS. TABACCHI: Object to the  
9           form.

10                  THE WITNESS: Repeat that  
11           question, because I think it was  
12           inaccurate.

13           Q.       (BY MR. INNES) And the folks  
14           that report to you rely on you in some shape  
15           or form to make sure that the department is  
16           following the policies laid out in Walmart's  
17           documents. Isn't that right?

18                   MS. TABACCHI: Object to the  
19           form.

20                  THE WITNESS: It's my job to  
21           ensure that the team is following  
22           processes and policies -- on my direct  
23           reports.

24           Q.       (BY MR. INNES) And what did  
25           you do to ensure that your team was following

1 processes and policies?

2 MS. TABACCHI: Object to the  
3 form, asked and answered.

4 THE WITNESS: In this  
5 situation, it's a compliance and a  
6 supply chain, a combined function.  
7 And so that -- it's -- it's the  
8 compliance team, as well as the supply  
9 chain team, as well as a legal team to  
10 ensure that we're complying with this.  
11 Complying with policy.

12 Q. (BY MR. INNES) And in the  
13 midst of the opioid crisis which you've  
14 acknowledged you're aware of, you didn't  
15 think at any point in time to inquire whether  
16 or not your direct reports were properly or  
17 improperly releasing orders of fentanyl, for  
18 instance?

19 MS. TABACCHI: Object to the  
20 form. Misstates testimony.

21 THE WITNESS: I have no  
22 knowledge of what you just spoke  
23 about.

24 Q. (BY MR. INNES) Okay. Let's  
25 break it down, then.



1 Do you have knowledge of the  
2 opioid crisis?

3 A. Yes, I do.

4 Q. Okay. Do you have knowledge  
5 that your direct reports were -- had the  
6 capability to release orders that were  
7 identified as orders of interest?

8 A. We walked through that. I have  
9 knowledge that when they were -- when those  
10 orders were miskeyed, that was one situation  
11 or circumstances, and there could be others.

12 But that's the example that I  
13 gave you, yes.

14 Q. And you didn't inquire as to  
15 whether or not your direct reports were  
16 properly or improperly releasing orders of  
17 fentanyl; is that right?

18 MS. TABACCHI: Object to the  
19 form. Hypothetical.

20 THE WITNESS: I didn't hear the  
21 last word you said.

22 Q. (BY MR. INNES) Sure.

23 You didn't inquire whether or  
24 not your direct reports were properly or  
25 improperly releasing orders of fentanyl, for

1 instance.

2 MS. TABACCHI: Same objections.

3 THE WITNESS: I -- I didn't  
4 specifically ask if they were  
5 releasing or not releasing products of  
6 fentanyl.

7 Q. (BY MR. INNES) Did you ask if  
8 they were specifically releasing or not  
9 releasing any products?

10 MS. TABACCHI: Object to the  
11 form.

12 THE WITNESS: We -- so we have  
13 policies and procedures. And the team  
14 members know those policies and  
15 procedures as well. And so the -- my  
16 responsibility is to ensure that those  
17 policies and procedures were met.

18 Q. (BY MR. INNES) And how did you  
19 go about doing that?

20 A. So I -- I had reliance upon  
21 Miranda, and --

22 I had conversations with the  
23 team, but I also had reliance on the  
24 compliance team that those orders were --  
25 that we were following proper process.

1           Q.       But you didn't make those  
2       inquiries yourself, did you?

3                   MS. TABACCHI: Object to the  
4       form.

5                   THE WITNESS: Well, certainly I  
6       asked questions in those meetings.

7           Q.       (BY MR. INNES) But you didn't  
8       make -- you didn't ask for -- you didn't ask  
9       for your own data to be pulled regarding your  
10      team members, did you?

11                   MS. TABACCHI: Object to the  
12      form.

13                   THE WITNESS: Some of the data  
14      to be pulled had long been established  
15      before I got there. The data was the  
16      data that had been agreed on and  
17      vetted by compliance.

18                   And so that was the data that  
19      was being pulled.

20                   And so -- and there's a reason  
21      you have a support team, and it's to  
22      rely upon the support team, because  
23      you can't be an expert in every area,  
24      and that's exactly what I was doing.

25                   So they set out -- the

1 compliance team set out the analysis  
2 to be pulled.

3 Q. (BY MR. INNES) Do you believe  
4 it to be -- to require -- what do you  
5 require -- what expertise do you require to  
6 make the inquiry as to whether or not your  
7 direct reports are properly releasing orders?

8 MS. TABACCHI: Object to the  
9 form.

10 THE WITNESS: You're going to  
11 have to repeat the question, please.

12 MR. INNES: I'll withdraw the  
13 question for now.

14 Q. (BY MR. INNES) The policies and  
15 procedures are designed, at least in part, to  
16 prevent the shipment of suspicious orders;  
17 right?

18 A. They're in place to assure that  
19 we are following them to ensure that we  
20 have -- that we have proper processes and  
21 that we're following processes.

22 Policies are there to ensure  
23 that there are processes, and then we are  
24 to -- and then we are to follow those  
25 processes and procedures.

1 Q. And why are those processes and  
2 procedures set up in the first place?

3 MS. TABACCHI: Object to the  
4 form.

5 THE WITNESS: To be followed.

6 Q. (BY MR. INNES) Is there any  
7 reason that precipitated those policies and  
8 procedures?

9 MS. TABACCHI: Object to the  
10 form.

11 THE WITNESS: So they're the --  
12 I did not draft the policies. The  
13 policies were drafted by the  
14 compliance partners as well as the  
15 legal partners.

16 Q. (BY MR. INNES) You understand  
17 that the EA regulations require distributors  
18 of controlled substances like Walmart to have  
19 a system in place designed to identify  
20 suspicious orders of controlled substances;  
21 isn't that right?

22 A. Yes.

23 Q. Okay. And the policies and  
24 procedures that you were to carry out were at  
25 least in part directed toward that goal; is

1       that correct?

2               A.       The policies and procedures  
3       that we have that were established was for  
4       the entire team to carry out to ensure that  
5       we have -- that we meet that guideline.

6               Q.       And if you didn't meet that  
7       guideline, those drugs could be diverted.  
8       Isn't that right?

9                       MS. TABACCHI: Object to the  
10       form.

11               MR. INNES: I'll rephrase that  
12       question.

13               Q.       (BY MR. INNES) And if those  
14       policies were not followed, it's more likely  
15       that diversion would occur; right?

16               MS. TABACCHI: Object to the  
17       form.

18               THE WITNESS: You've made an  
19       assumption. If those weren't  
20       followed, there may be other things  
21       that would happen but maybe not  
22       diversion.

23                       You went to diversion. I'm not  
24       sure I --

25               MR. INNES: Do you understand

1           what diversion is in the context of  
2           this case?

3                   THE WITNESS: Diversion -- yes.

4           Q.       (BY MR. INNES) What is your  
5           understanding of diversion?

6           A.       My understanding of diversion  
7           is when drugs are not -- drugs are not  
8           received in the hands that they are meant to  
9           in the order process. That's my  
10          understanding of diversion.

11          Q.       What are some things that could  
12          cause Walmart -- drugs distributed by Walmart  
13          to not be received in the hands they were  
14          meant to be received by?

15                   MS. TABACCHI: Object to the  
16          form.

17                   THE WITNESS: I -- that --  
18          you're asking for pure speculation. I  
19          don't know that I can give you that.  
20          I would have to speculate.

21          Q.       (BY MR. INNES) If Walmart  
22          failed to flag an order of interest, could  
23          that result in diversion?

24                   MS. TABACCHI: Object to the  
25          form.

1 THE WITNESS: That could also  
2 result in other things, not just  
3 diversion.

4 Q. (BY MR. INNES) But it could  
5 result in diversion?

6 MS. TABACCHI: Object to the  
7 form. Calls for speculation.

8 Q. (BY MR. INNES) What is your  
9 definition of "diversion"?

10 A. It could lead to several  
11 different things, to answer your question.

12 Q. Now I'm curious about one thing  
13 in particular. It's more likely that  
14 diversion could occur.

15 A. I don't know that I can say  
16 more likely.

17 Q. Is it likely that diversion  
18 could occur?

19 MS. TABACCHI: Object to the  
20 form.

21 THE WITNESS: It would be one  
22 of the options.

23 Q. (BY MR. INNES) And if  
24 Walmart -- one of Walmart's SOM team members  
25 failed to properly evaluate an order of



1 interest, and then caused it to be released,  
2 that could likely result in diversion. Isn't  
3 that right?

4 MS. TABACCHI: Object to the  
5 form.

6 THE WITNESS: I think I just  
7 answered the question. You said  
8 "likely to divert," and I'm  
9 disagreeing with that. I'm not saying  
10 that there is a likelihood of  
11 diversion based on that.

12 Q. (BY MR. INNES) But you are  
13 agreeing that diversion is one of the  
14 potential consequences; is that right?

15 A. Correct, but not likely.

16 Q. And one of the potential -- and  
17 diversion is one of the potential  
18 consequences if -- if, in the meeting that  
19 you have with Miranda, or Roxy, or one of  
20 their designees, the incorrect determination  
21 is made regarding a suspicious order, that  
22 that could -- that that could result in  
23 diversion?

24 MS. TABACCHI: Object to the  
25 form.

1 THE WITNESS: You're assuming  
2 in there that there is an incorrect --  
3 incorrect -- I'm not sure what you  
4 said. You said incorrect something.

5 Q. (BY MR. INNES) If you -- if,  
6 in the meeting with Roxy and Miranda, and  
7 you, or your designees, in June '17 to  
8 November of '17, if in that meeting, you  
9 failed to identify an order of interest as a  
10 suspicious order, and then released that  
11 order, one of the options could have been  
12 diversion. Isn't that correct?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: That would be an  
16 option.

17 Q. (BY MR. INNES) In fact, if you  
18 made the wrong determination that an order of  
19 interest was an inappropriate order and  
20 should have been classified as a suspicious  
21 order, it's more likely that diversion could  
22 occur; isn't that right?

23 MS. TABACCHI: Object to the  
24 form.

25 THE WITNESS: It's likely.

1           It's an option. Just like I  
2           articulated before.

3           Q.       (BY MR. INNES) Did you ever  
4           consider -- well, strike that.

5                   What did you consider to be an  
6           order of normal size in the time period of  
7           June 2017 to November 2017?

8                   MS. TABACCHI: Object to the  
9           form. Asked and answered.

10                  THE WITNESS: Once again, you  
11           have to look at all of the facts of  
12           this scenario to understand if it's a  
13           normal size. So to sit here and say  
14           "Is that a normal size?" unless you  
15           have all of the information as it  
16           relates to that one particular order  
17           or item, it's very difficult to say.  
18           You have to have -- it has to be all  
19           of that information.

20           Q.       (BY MR. INNES) Okay. And I'd  
21           like you to tell me which -- what facts  
22           exactly you would need to determine whether  
23           or not an order was an order of unusual size.

24                   MS. TABACCHI: Object to the  
25           form. Asked and answered.

1 THE WITNESS: So once again,  
2 you have to have all of the  
3 information. In particular, you have  
4 to know how --

5 I mean, the -- the information  
6 that I've covered before, like the  
7 information of how many of this drug,  
8 particular drug and dosage does a  
9 store normally order. You -- that  
10 would be one point. And there's many  
11 others, but you have to have all of  
12 the specifics in order to understand  
13 if it's an -- of an abnormal size.

14 Q. (BY MR. INNES) I know this is  
15 tedious, but I'm asking you in each one of  
16 those facts that you would use in your  
17 determination as to whether or not an order  
18 of interest was a suspicious or not a  
19 suspicious order.

20 A. Right.

21 Q. So could you --

22 A. And I get that information from  
23 Roxy. She goes down with every piece of  
24 information. And unless you have all of that  
25 information, and sometimes she -- she had --

1       didn't have the information to the level  
2       that -- and I would say -- you know, I would  
3       ask an additional question.

4               Q.       Can you tell me each piece of  
5       information that Roxy provided to you for you  
6       to be able to determine if an order was an  
7       order of unusual size?

8               A.       I don't recall each piece of  
9       information.

10              Q.       You sat in these meetings  
11       multiple times in a month. Isn't that right?

12              A.       I sat in them multiple times,  
13       correct.

14              Q.       And you must have had hundreds  
15       of orders at this point that you've reviewed.  
16       Isn't that right?

17                      MS. TABACCHI: Object to the  
18       form.

19                      THE WITNESS: No.

20              Q.       (BY MR. INNES) No?  
21                      100 orders?

22              A.       I don't have -- I don't have a  
23       recollection of the number.

24              Q.       You've done it more than 100  
25       times?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: 100 times that I  
4 sat in the meeting or 100 times that  
5 the orders?

6 I don't have a recollection as  
7 to the number. I don't have a  
8 recollection.

9 Q. (BY MR. INNES) Is there a  
10 record anywhere of how many orders you  
11 yourself reviewed?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: I reviewed them  
15 with the group, so ...

16 Q. (BY MR. INNES) Is there a  
17 record of you being the one that reviewed it?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: If I was in the  
21 group? Was there a record if I was in  
22 the group? Not to my knowledge.

23 Q. (BY MR. INNES) These meetings  
24 were documented in some way, shape, or form  
25 in Archer; isn't that right?

1           A.       I previously testified that  
2       Roxy put the information back in Archer.

3           Q.       Okay. Was the -- were the  
4       names of the attendees one of the pieces of  
5       information that Roxy put into Archer?

6           A.       I don't know. I don't know.

7                   MS. TABACCHI: When you get a  
8       chance, can we take a ...

9           Q.       (BY MR. INNES) Is there any  
10      written record anywhere of you having  
11      attended these meetings?

12                  MS. TABACCHI: Object to the  
13      form.

14                  THE WITNESS: Not that I'm  
15      aware of, but there could possibly be  
16      some kind of record. But not that I'm  
17      aware of. Not that I know.

18           Q.       (BY MR. INNES) And what type  
19      of record would that be?

20           A.       I don't know.

21                  MS. TABACCHI: Object to the  
22      form.

23                  THE WITNESS: If I don't know  
24      and I don't recall, I don't know.

25           Q.       (BY MR. INNES) Well, you said

1       that there possibly could be some kind of  
2       record?

3               A.       Correct.

4               Q.       What --

5               A.       But I don't know what that  
6       would be.

7                       To my knowledge, I don't know.

8               Q.       What's your basis for the  
9       statement there could possibly be some kind  
10      of record?

11              A.       There might be. But not to my  
12      knowledge.

13              Q.       Well, what's your basis for the  
14      statement that there might be a record?

15              A.       Well. There might be, but I  
16      don't know.

17                      MS. TABACCHI: When it's a good  
18      time, could we take a break?

19                      MR. INNES: Sure.

20              Q.       (BY MR. INNES) What are  
21      possibilities?

22                      MS. TABACCHI: Object to the  
23      form.

24                      THE WITNESS: Can you give me  
25      a -- repeat that question, other than



1           what are the possible -- I couldn't  
2           even hear the --

3           Q.       (BY MR. INNES) There possibly  
4           could be some kind of record you stated.  
5           Right? And I'm wondering what those  
6           possibilities might be.

7                   MS. TABACCHI: Object to the  
8           form. Asked and answered.

9                   THE WITNESS: And I don't know  
10          what those possibilities -- I'm just  
11          saying to my knowledge there's not,  
12          but there could be.

13          Q.       (BY MR. INNES) And we're  
14          talking about written records; right?

15          A.       That's what I think you're  
16          asking me about. Correct.

17          Q.       That's what I'm asking. I just  
18          want to make sure we're on the same page with  
19          that.

20          A.       Right.

21          Q.       And I'm talking about written  
22          records in the form of hard paper document.  
23          And I'm also talking about documents in the  
24          form of an electronic record.

25          A.       And I'm saying there -- not to

1 my knowledge, but I don't know. There could  
2 possibly be a record.

3 I don't know.

4 Q. (BY MR. INNES) Is it  
5 possible --

6 A. Not to my knowledge.

7 Q. Is it possible that  
8 Miranda Johnson took notes of those meetings?

9 A. I don't know. I don't --  
10 I'm --

11 Not to my knowledge.

12 MR. INNES: Did you need --

13 MS. TABACCHI: Well --

14 THE WITNESS: I need some  
15 water.

16 MS. TABACCHI: If we can take a  
17 short break, when you're -- when you  
18 have the right place. I don't know  
19 how much longer you have. I don't  
20 want to throw off your plans.

21 MR. INNES: Sure.

22 MS. TABACCHI: But ...

23 Q. (BY MR. INNES) What, if  
24 anything, did you consider when determining  
25 whether or not an order was an order of

1 unusual frequency?

2 MS. TABACCHI: Object to the  
3 form. Asked and answered.

4 THE WITNESS: Roxy would  
5 provide me with all of the information  
6 that was of the norm, that we  
7 consistently covered -- that was  
8 consistently covered before I got  
9 there, was consistently covered. And  
10 based on those pieces of information,  
11 they -- collectively we would make the  
12 decision.

13 Q. (BY MR. INNES) Okay. What was  
14 all of the information that was of the norm  
15 that Roxy provided you when making a  
16 determination as to whether an order was an  
17 order of unusual frequency?

18 MS. TABACCHI: Object to the  
19 form. Asked and answered.

20 THE WITNESS: So once again,  
21 you have to have a very specific set  
22 of facts. And she would go through  
23 and cover all of the pieces of  
24 information, and you would have to  
25 know those in order to see if it was

1           an -- you said an unusual frequency;  
2           correct?

3           Q.       (BY MR. INNES) That's correct.

4           A.       Right.

5           Q.       And you understand unusual  
6 frequency to be one of the criteria that  
7 would trigger an order of interest or also  
8 qualify as a suspicious order; is that right?

9           A.       That's exactly correct.

10          Q.       Did you look at the same  
11 information to determine order of unusual  
12 size as well as -- the same information to  
13 determine an order of unusual size that you  
14 did to determine an order of unusual  
15 frequency?

16                   MS. TABACCHI: Object to the  
17 form.

18                   THE WITNESS: She had a lot of  
19 different pieces of information that  
20 applied to each different component of  
21 that.

22                   So the answer is, we looked at  
23 the same litany, or the same list of  
24 item -- or information that we did  
25 each time, but pieces of that

1 information applied to size. Pieces  
2 of that information applied to  
3 frequency. Pieces of that information  
4 applied to ...

5 So that's -- that's how we  
6 looked at it.

7 Q. (BY MR. INNES) At the end of  
8 your evaluation, would you -- would anyone  
9 make a notation that this order was either --  
10 was not an order of unusual size?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: The notations  
14 that were made were made in Archer by  
15 either Roxy or Miranda, or that team,  
16 the compliance team.

17 Q. (BY MR. INNES) I'll ask it  
18 slightly different. Did you all make an  
19 affirmative determination that a particular  
20 order either was or was not an order of  
21 unusual size?

22 MS. TABACCHI: Object to the  
23 form.

24 THE WITNESS: The  
25 determination, did we -- are you --

1                   We made the determination  
2                   whether it was a suspicious order or  
3                   not. It wasn't necessarily designated  
4                   at the conclusion of it.

5                   But it was designated whether  
6                   it was a -- whether that order of  
7                   interest was suspicious or not.

8                   Q.       (BY MR. INNES) Okay. So as I  
9                   understand your testimony, it was a generic  
10                  classification that it was either a  
11                  suspicious order or not a suspicious order.

12                  A.       Well, it was an order of  
13                  interest until -- while we went through the  
14                  process, right.

15                  Q.       Right.

16                  A.       And so then after we reviewed  
17                  the information, we -- it was determined --  
18                  that was the reason for the meeting, it was  
19                  determined whether it was a suspicious order  
20                  or not.

21                  And sometimes those suspicious  
22                  orders was -- it was just unusual. It was an  
23                  unusual -- it was an unusual size. It didn't  
24                  mean it was a -- it was suspicious. You  
25                  didn't know why. It just made you go "hmm."

1       So yeah.

2                       And so we reported it.

3               Q.       Okay.

4               A.       Absolutely. We reported it.

5               Q.       So in order --

6               A.       So there were some of those  
7       that were classified as suspicious, that were  
8       just unusual. Just unusual. Unusual in  
9       frequency. Unusual in -- according to the  
10      information.

11              Q.       And those would be designated  
12      as --

13              A.       They would be designated as  
14      suspicious order, and we would report them.

15              Q.       Okay. Did you ever make a  
16      determination that an order was an order of  
17      unusual size, but could be cleared for other  
18      reasons?

19                      MS. TABACCHI: Object to the  
20      form.

21                      THE WITNESS: Not that I --

22                      MS. TABACCHI: Go ahead.

23                      Object to the form.

24                      You may --

25                      THE WITNESS: Not that I

1 recall.

2 Q. (BY MR. INNES) Well, could an  
3 order, for instance, from a Walmart store,  
4 that -- a Walmart pharmacy, that -- strike  
5 that.

6 Could it be the case that, say,  
7 an oncology clinic opened near a Walmart, and  
8 that Walmart pharmacy saw an unusual uptick  
9 in prescriptions for a particular opioid?

10 MS. TABACCHI: Object to the  
11 form.

12 MR. INNES: That wasn't the end  
13 of my question, so ...

14 MS. TABACCHI: There was a  
15 question mark, so ...

16 Q. (BY MR. INNES) All right.  
17 I'll start again.

18 Was it ever the case that an  
19 order that presented as an unusual size had a  
20 justification for being an appropriate order?

21 A. Not that I recall.

22 Q. As part --

23 A. And like I said, there were --  
24 so if it was an unusual size, I mean, we  
25 were -- there was -- we reported it.



1 Q. Did --

2 A. It --

3 Q. Are you aware that Walmart  
4 pharmacies could order directly from  
5 McKesson?

6 A. I am.

7 Q. Okay. Did you consider, as  
8 part of your evaluation -- strike that.

9 Did Roxy present you with  
10 information as part of your meetings  
11 regarding opioids sent from McKesson directly  
12 to a pharmacy?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: I don't recall.

16 I don't -- I don't recall.

17 Q. (BY MR. INNES) Would that  
18 information have been something that you  
19 would have wanted when considering whether an  
20 order of interest was a suspicious order or  
21 an appropriate order?

22 MS. TABACCHI: Object to the  
23 form.

24 THE WITNESS: All of those  
25 orders came through our system, and

1           then were routed, I guess, to -- to --  
2           you've referred to McKesson. To  
3           McKesson, if -- if it was for them to  
4           send. For them to distribute, right?

5           Q.       (BY MR. INNES) Mm-hmm. Okay.  
6           So my question is slightly different. We can  
7           agree that that relationship existed. That  
8           pharmacies could order --

9           A.       I thought that's where you -- I  
10          thought that was a question.

11          Q.       I'm sorry, maybe I -- maybe my  
12          voice trailed off.

13                   I'm interested in whether or  
14          not you would like -- you would have wanted  
15          to consider that information, shipments from  
16          McKesson directly to a pharmacy, when  
17          considering an order of interest.

18          A.       Well, if they went to McKesson,  
19          it wouldn't have been -- it wouldn't have  
20          triggered in our system as a suspicious order  
21          because that would go through McKesson.

22          Q.       Right. Right. Exactly.

23                   So when considering an order on  
24          a particular pharmacy that was triggered by  
25          Reddwerks.

1           A.       Correct.

2           Q.       When considering whether or not  
3       that was an order of unusual size, unusual  
4       pattern or unusual frequency, would you  
5       consider the order -- the shipment  
6       information from McKesson to the Walmart  
7       pharmacy to be relevant to inquiry?

8                   MS. TABACCHI: Object to the  
9       form.

10                  THE WITNESS: Would I -- you're  
11       going to have to ask the end of it.  
12       I'm not sure I understand the  
13       question.

14           Q.       (BY MR. INNES) So I'm -- we've  
15       been talking about the information that you  
16       would consider when making a determination if  
17       an order of interest was suspicious or not.  
18       And then you made that determination based  
19       off of information provided to you by Roxy;  
20       correct?

21           A.       Correct.

22           Q.       And now I've also asked you  
23       what criteria you personally used to evaluate  
24       the information that was provided by Roxy.

25           A.       Correct.

1 Q. Right?

2 And now I'm wondering whether  
3 or not one of those criteria for you would be  
4 knowing the amount of opioids that the  
5 pharmacy got directly from McKesson, as it  
6 relates to the order that you're reviewing.

7 A. The amount of opioids in total  
8 are you asking?

9 I --

10 Q. Would that be relevant to you?

11 A. From McKesson?

12 Q. From McKesson?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: Possibly it could  
16 be.

17 Q. (BY MR. INNES) Is it --

18 A. But I don't recollect ever  
19 getting any kind of information. And the  
20 reason I don't is probably because those  
21 orders that come in for McKesson are routed  
22 directly over to McKesson.

23 Q. Okay.

24 MS. TABACCHI: Mike, just  
25 whenever you --

1 MR. INNES: I'm sorry, I ran  
2 over you. You asked for a break. We  
3 can go --

4 MS. TABACCHI: We'll be speedy.

5 THE VIDEOGRAPHER: 2:37. We  
6 are off the video record.

7 (Recess taken, 2:38 p.m. to  
8 2:50 p.m.)

9 THE VIDEOGRAPHER: 2:50. We  
10 are on the video record.

11 Q. (BY MR. INNES) Okay,  
12 Ms. Hodges. We are back. I think we'll make  
13 one final push here. Before I begin with  
14 some documents I want to ask if -- first of  
15 all, are you aware that the trials in this  
16 case are scheduled to go forward in Ohio in  
17 the first bellwether trials?

18 A. I'm aware of that.

19 Q. And would you be willing to  
20 come and testify in that trial to tell your  
21 story to the jury?

22 MS. TABACCHI: You can consult  
23 with us about the testimony of our  
24 Walmart witnesses when there's a  
25 pretrial order. I'm not sure you need

1           to ask the witness that question  
2           today.

3                       MR. INNES: I'm not asking  
4           whether she will or will not come, I'm  
5           asking if she's willing to come.

6                       THE WITNESS: It will be  
7           determined by counsel whether I should  
8           be there or not, I think.

9           Q.        (BY MR. INNES) Thank you for  
10          that.

11                      Okay. So let me hand you  
12          what's been marked as Exhibit 1.

13                      (Walmart-Hodges Deposition  
14          Exhibit 1 was marked for  
15          identification.)

16                      MR. INNES: I have copies here  
17          for your counsel.

18                      Tina, you'll notice that there  
19          are hole punches in the side. Those  
20          are not part of the original. Those  
21          are part of the copy job. You'll see  
22          that on all three exhibits. I  
23          apologize for that. I don't believe  
24          that will impact any part of the  
25          questions that I need to ask the

1           witness or that the witness needs to  
2           understand, but I'll let you be the  
3           judge of that.

4                     Ms. Hodges, when you've had a  
5           chance to review the document, please  
6           let me know and we can start some --  
7           I'll ask my questions.

8                     [Document review.]

9                     MR. INNES: If it helps, I can  
10          direct your attention to --

11                    THE WITNESS: I was just  
12          reading all of it.

13                    MR. INNES: You're more than  
14          welcome to. I'm going to represent to  
15          you that I'm only going to ask you  
16          questions about the one topic on the  
17          page ending in Bates number -- that's  
18          the number at the bottom right-hand  
19          corner -- 263 --

20                    THE WITNESS: The top what?

21                    Q.        (BY MR. INNES) The bottom  
22          right-hand corner. 2637.

23                    A.        Okay.

24                    Q.        You'll see a section there it's  
25          called SOM update. And while you're

1 reviewing that, I'm just going to, for the  
2 record, say Document 1 is a Walmart document  
3 beginning in Bates No. 2636 and ending in  
4 2638.

5 A. What is the date of this?  
6 And did you say somewhere else?

7 Q. Oh, yes. So the middle of the  
8 second page. And if you had a chance to  
9 review that, the SOM update section.

10 A. I did.

11 Q. So I just need -- well, first  
12 let me say, this is an email from  
13 Nick Tallman to you and several other people  
14 on October 13th, 2017. The subject is "H and  
15 W weekly update, week 37."

16 Is this an email that you  
17 would -- that you would get weekly?

18 A. Correct.

19 Q. What does "week 37" refer to?

20 A. It's a Walmart week. We have  
21 our week's number.

22 Q. Is that a fiscal year?

23 A. It is our fiscal. Our fiscal  
24 starts in February 1st.

25 Q. So that number tracks your



1       fiscal year, in weeks?

2               A.       Correct.

3               Q.       So that --

4               A.       But obviously it must be in  
5       October.

6                       So week 37 is October 13th.  
7       That week.

8               Q.       Right.   So --

9               A.       Or maybe not so obvious,  
10       but ...

11               Q.       I'm just going to -- we're  
12       going to turn to the second page, the section  
13       I asked you to review, the SOM update.   I  
14       just want a little help understanding exactly  
15       what is being communicated in this section.

16                       And it says, 142 alerts.

17                       Now, like we just said, this  
18       document is from October of '17.   So that's  
19       when the Reddwerks section is in place;  
20       correct?

21               A.       Correct.

22               Q.       And as 142 total alerts  
23       indicate, that's the number of alerts that  
24       were triggered for suspicious orders by  
25       Reddwerks?

1           A.       It's the number of orders of  
2       interest.

3           Q.       Orders of interest. Okay.  
4       You'll see the subpoint there. It says, "67  
5       alerts were for controlled substances which represents  
6       48 percent of the alerts."

7                   Did Reddwerks flag orders that  
8       were not controlled substances?

9           A.       Yes.

10          Q.       Okay. So this -- so the  
11       balance, 142, minus 67. The balance would be  
12       for non-controlled substances; is that right?

13          A.       Correct.

14          Q.       Okay. I'm going to continue  
15       down to the next bullet. 25 alerts were sent  
16       to practice compliance for further review.

17                   Do you see that?

18          A.       I do.

19          Q.       Now, I want to understand what  
20       that means in the context of the process we  
21       were discussing for the better part of today.

22                   Is this -- are these 25 alerts  
23       sent from the SOM group that you oversaw to  
24       the practice compliance group?

25          A.       67. Number of total

1 represents --

2 (Sotto voce document review by  
3 the witness.)

4 So the practice -- so --

5 MS. TABACCHI: I'm going to  
6 just object to the form.

7 THE WITNESS: Yeah, I didn't --

8 So the practice and compliance,  
9 25 alerts. The practice and  
10 compliance team would be -- to my  
11 recollection would be the -- well, do  
12 you know what? I'm just -- I'm not  
13 sure, the practice and compliance,  
14 what it means in this context.

15 Q. (BY MR. INNES) Okay. So this  
16 is a -- again, a weekly update.

17 A. Yeah. It is.

18 Q. Yeah.

19 So do you receive these on a  
20 weekly basis?

21 A. I did. Yes, I did.

22 Q. Okay.

23 And it comes from Nick Tallman.

24 Who is Nick Tallman?

25 A. He's a direct report of mine.

1 Q. So they typically come from  
2 Nick?

3 A. They do. He drafted it. I  
4 didn't draft it, but he did.

5 Q. Sure. Because Nick drafts this  
6 email and sends it to you; right?

7 A. Correct.

8 Q. At the top it says "Debbie"?

9 A. Correct.

10 Q. Did you review these on a  
11 weekly basis?

12 A. I read them on a weekly basis.

13 Q. And did you understand what  
14 they meant on a weekly basis?

15 A. Well, I did at the time. I'm  
16 just saying I'm -- I'm not sure if it -- if  
17 this 25 was to -- was to the SOM team or to  
18 Roxy's team.

19 Q. Well, isn't Roxy's team known  
20 as practice compliance?

21 A. The -- yes.

22 Q. Okay. So the SOM update is 25  
23 alerts were sent to practice compliance.

24 A. Mm-hmm.

25 Q. Does that mean that 25 alerts

1       were sent from logistics to practice  
2       compliance for further review?

3               A.       It means that 25 of the total  
4       alerts were sent to the practice and  
5       compliance team. To the -- to the Roxy team.

6               Q.       Okay. So we see here that  
7       there's 142 total alerts.

8               A.       Mm-hmm.

9               Q.       So does that mean that of the  
10      142, all but 25 were cleared for shipment?

11               MS. TABACCHI: Object to the  
12      form.

13               THE WITNESS: No. It means  
14      that there were just -- these were  
15      just the -- these were just the  
16      alert -- oops, sorry, I've got my cell  
17      phone.

18               So it means that 25 were sent  
19      to compliance. So it may mean that --  
20      I'm not going to speculate.

21               So it means that 25 were sent  
22      to Roxy and team.

23               Q.       (BY MR. INNES) Okay. So what  
24      happened to the balance of those? The ones  
25      that weren't sent to Roxy?

1           A.       You know --

2                   MS. TABACCHI:   Object to the  
3           form.

4                   THE WITNESS:   In this  
5           circumstance, I can't tell you what  
6           happened to them.

7           Q.       (BY MR. INNES)   Why is that?

8           A.       Well, because I don't have the  
9           context. I would have asked the question at  
10          the time, but I don't recollect. That's why.  
11                   I don't recollect what happened  
12          to them.

13          Q.       So you would have made an  
14          inquiry at some point from one of your direct  
15          reports regarding the disposition of alerts;  
16          is that right?

17          A.       I would have made an inquiry to  
18          a lot of things on this document. We -- we  
19          talked about a lot of different things. I  
20          don't know -- I don't even recall if I  
21          specifically asked that, but the -- we -- I  
22          talk about a lot of different things on this  
23          document.

24          Q.       All right. And, you know, your  
25          prior testimony, I believe, was when we were

1 discussing alerts that were reviewed by your  
2 team, that you didn't inquire as to the  
3 disposition of those alerts following the  
4 review.

5 MS. TABACCHI: Object to the  
6 form.

7 THE WITNESS: Can you repeat  
8 that, please?

9 MR. INNES: Sure.

10 Q. (BY MR. INNES) I believe your  
11 prior testimony was quite clear that you did  
12 not inquire as to the disposition of orders  
13 of interest that were reviewed by the SOM  
14 team until the meeting you had with Roxy or  
15 Miranda or their designees.

16 MS. TABACCHI: Object to the  
17 form.

18 THE WITNESS: So I get -- I  
19 do -- I did get this written update,  
20 and if I had questions at the time, I  
21 asked questions.

22 I can't tell you if I asked  
23 questions here. I can tell you that I  
24 asked questions on -- about -- from  
25 this page, because I asked the team in

1           their one-on-ones the different -- the  
2           questions where I have questions, but  
3           I can't tell you if I asked questions  
4           on that.

5           Q.       (BY MR. INNES) On this  
6           particular --

7           A.       Correct.

8           Q.       -- particular --

9           A.       And I think that's what you  
10          were asking; right?

11          Q.       That was what I was asking.

12                   Now I'm going to ask you a  
13          little more generally. Was it your common  
14          practice, after reviewing these SOM updates,  
15          to inquire of your team members as to what  
16          happened with the orders that were not  
17          forwarded to practice compliance?

18          A.       The -- so -- so I did not -- I  
19          can tell you I didn't recall here -- and you  
20          asked me -- repeat it for me.

21          Q.       Sure.

22                   MR. INNES: Can you read back  
23          my last question?

24

25                   (Whereupon, the following



1           testimony was read by the court  
2           reporter.)

3                       "QUESTION: Now I'm going to  
4           ask you a little more generally. Was  
5           it your common practice, after  
6           reviewing these SOM updates, to  
7           inquire of your team members as to  
8           what happened with the orders that  
9           were not forwarded to practice  
10          compliance?"

11                       (End of readback.)

12                       THE WITNESS: So I didn't --  
13          after I reviewed this document, did I  
14          inquire as to this?

15          Q.          (BY MR. INNES) Well, again,  
16          we've -- I think we've covered that you did  
17          not do that with this particular -- you don't  
18          recall doing that with this particular --

19          A.          I don't recall. I may have, I  
20          don't recall.

21          Q.          Sure.

22                       Now I'm asking in a more  
23          general sense. Was it your practice when  
24          receiving a weekly report to make an inquiry  
25          of your team members regarding the orders

1       that were not forwarded to practice  
2       compliance for further review?

3               A.       I may have asked questions as  
4       to why, but I didn't in -- I did not ask -- I  
5       didn't -- I think you said did you inquire  
6       about the individual -- are you talking  
7       individuals or ...

8               Q.       Did you make an inquiry of any  
9       of your team members regarding the orders  
10      that were not forwarded to practice  
11      compliance?

12              A.       I possibly did. I possibly  
13      did.

14              Q.       And how would you have made  
15      that inquiry?

16              A.       During their one-on-ones I  
17      would have asked questions.

18              Q.       And what kind of questions  
19      would you have asked?

20              A.       I don't recall. Typically I  
21      would have looked at the information at the  
22      time, and I say, "Hmm, talk to me about  
23      what's going on here."

24              Q.       So sitting here today, would  
25      you have questions about the information you

1       see here?

2                       MS. TABACCHI: Object to the  
3               form.

4                       THE WITNESS: It's possible  
5               that I would have -- that I could have  
6               or would have or might have or --  
7               it's asked, what's the difference.  
8               But I don't recall doing that, and I  
9               don't recall any answer because I  
10              certainly don't recall doing it.

11             Q.       (BY MR. INNES) And why would  
12       you have had those questions?

13                      MS. TABACCHI: Object to the  
14              form.

15                      THE WITNESS: I would have had  
16              those -- just because I ask questions.  
17              Because ...

18                      That's a possible question.

19             Q.       (BY MR. INNES) Is it possible  
20       that the balance of alerts were all cleared  
21       because of keying entries?

22                      MS. TABACCHI: Object to the  
23              form.

24                      THE WITNESS: That's pure  
25              speculation. I wouldn't -- I wouldn't

1           be able to answer that. I don't  
2           recall even what these were, so ...

3                   Or I don't even recall if I had  
4           questions, rather, on them. So I  
5           certainly couldn't go the leap further  
6           that you just asked.

7           Q.       (BY MR. INNES) Were these  
8           weekly reports sent to you in the same format  
9           on a weekly basis?

10          A.       Sometimes.

11                   So were they on a consistent?  
12          Did you use the word "consistent"?

13          Q.       Were they sent to you in a  
14          consistent format, that's correct.

15          A.       We've updated this format.  
16          That's why I said "consistent."

17                   So are you talking from date to  
18          date was it the same format?

19          Q.       From week to week, yes.

20          A.       Now, what was the question?  
21          Sorry.

22          Q.       Is, these were weekly updates  
23          that were received every week; is that  
24          correct?

25          A.       Right.

1 Q. Did they come in the same  
2 format each week?

3 A. At some point we changed  
4 formats. I do recall that.

5 So I can't answer if they are  
6 this way since I took over.

7 Q. Okay.

8 A. And so I don't know.

9 Q. Did --

10 A. Because I know they changed, so  
11 I don't know what that timeframe was, even if  
12 they were adjusted.

13 Q. And did the format change  
14 during your tenure in that position?

15 A. Yes, it has.

16 Q. And did it change at your  
17 request?

18 A. Actually, not at my request.

19 There was conversation around  
20 what -- there was conversation around what  
21 the strategy was and were we aligning our  
22 report to our strategy. Our supply chain  
23 strategy.

24 Q. And the information that was  
25 contained in these weekly updates, was that

1 something that you found necessary to carry  
2 out your duties in your role?

3 MS. TABACCHI: Object to the  
4 form.

5 THE WITNESS: I found this  
6 information helpful.

7 Q. (BY MR. INNES) Okay. Did you  
8 believe 142 total alerts to be an acceptable  
9 number of alerts, given the volume of orders  
10 that were coming in?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: So I don't  
14 know -- I can -- I don't know the  
15 volume that was coming in this week to  
16 answer if 142 was acceptable.

17 Q. (BY MR. INNES) Well, did you  
18 ever ask the question or did you ever  
19 research what the historical average number  
20 of alerts were during the time period that  
21 you were in your position?

22 MS. TABACCHI: Object to the  
23 form.

24 THE WITNESS: We had  
25 conversations around what was --

1           what -- how many alerts, but -- so I  
2           certainly had conversations around it.

3           Q.       (BY MR. INNES) Who did you  
4           have those conversations with?

5           A.       Dena, Ramona, and probably a  
6           couple of others.

7           Q.       And Dena and Ramona are copied  
8           on this email; is that right?

9           A.       Let me see. Yes.

10          Q.       Would you also have  
11          conversations with any of the other folks  
12          that were copied on this email?

13          A.       Potentially.

14          Q.       Okay.

15                   And did you ever -- as part of  
16          those conversations, did you ever discuss how  
17          these reports related to opioids?

18          A.       What's your question?

19          Q.       Did you ever discuss these  
20          reports in the context of opioids?

21          A.       I never use a -- or I seldom  
22          used the terminology of "opioids" when I  
23          asked Ramona or Dena. I would just say,  
24          "Talk to me about what this means."

25                   I never said, "Tell me how many

1       opioids," da da da. I never said that.

2               Q.       Okay. Did you ever focus on a  
3       conversation on a particular opioid product  
4       that Walmart distributed?

5               MS. TABACCHI: Object to the  
6       form.

7               THE WITNESS: Not that I  
8       recall.

9               Q.       (BY MR. INNES) Well, I see  
10      here on this SOM update, the last bullet, it  
11      says "Top alerted drugs," and the final  
12      subbullet says "CII, Hydro/APAP 10/325." Do  
13      you know what that means?

14              A.       Those are just the names of  
15      drugs that have been top alerted.

16              Q.       Are you familiar with the name  
17      of that drug?

18              A.       Which drug?

19              Q.       The one I just -- the one that  
20      said the final bullet in the SOM update  
21      section.

22              A.       Hydro, am I familiar with that  
23      one?

24              Q.       Correct.

25              A.       I'm familiar with the name.



1 Q. And what's your understanding  
2 of the name?

3 A. That it is a C-II.

4 Q. Do you know what class of drug  
5 it is?

6 A. A C-II.

7 MS. TABACCHI: Object to the  
8 form.

9 Q. (BY MR. INNES) Do you know  
10 whether or not it's a derivative of opiate?  
11 An opiate derivative?

12 A. I don't know.

13 Q. Do you know it to be an opioid?

14 A. Hydro? I know hydro to be an  
15 opioid. Hydrocodone.

16 Q. Is that hydrocodone?

17 A. I don't know.

18 Q. Did you ever ask a question as  
19 to whether -- as to -- after receiving a  
20 report -- strike that.

21 If, after you received a  
22 report, you did not recognize the name of a  
23 drug, did you inquire as to what the name of  
24 that drug was?

25 MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: It's possible  
3 that I did.

4 Q. (BY MR. INNES) Okay. Was it  
5 concerning to you that in October of 2017,  
6 hydrocodone was a top alerted Schedule II  
7 drug in Walmart's distribution?

8 MS. TABACCHI: Object to the  
9 form.

10 THE WITNESS: So when you say  
11 "top alerted," it still doesn't mean  
12 that it's a suspicious order. It just  
13 means that it alerted.

14 So this --

15 MR. INNES: Right.

16 THE WITNESS: -- this doesn't  
17 say that it turned out to be a  
18 suspicious order.

19 It could be a lot of reasons  
20 that it alerted.

21 Q. (BY MR. INNES) Well, why  
22 would -- what is the same as the word "alert"  
23 in the context of SOM at Walmart?

24 MS. TABACCHI: Object to the  
25 form.

1 THE WITNESS: What was the  
2 what?

3 Q. (BY MR. INNES) What's the --  
4 what does the term "alert" mean in the  
5 context of Walmart's SOM program?

6 MS. TABACCHI: Object to the  
7 form.

8 THE WITNESS: "Alert" means  
9 order of interest. We've -- I thought  
10 we've covered this before. It's alert  
11 the order of interest. The orders of  
12 interest.

13 Q. (BY MR. INNES) So when I'm  
14 looking at this and I see "SOM update, top  
15 alerted drug, C-II, hydro," is another way to  
16 read that top alerted drug, top order of  
17 interest, C-II hydro?

18 A. So the top alerted -- the  
19 terminology here means, they alerted, means  
20 order of interest.

21 Q. Okay.

22 So the top order of interest  
23 drugs for C-IIIs would be hydrocodone at that  
24 point?

25 A. It looks like -- well, I'm --

1                   It's written down here as a  
2     bullet point. Once again, I didn't prepare  
3     the document, but it's written as a bullet  
4     point to show that it was alerted this week.  
5     In week 37, yes, it was.

6                   Q.       And it's a subpoint of top  
7     alerted drugs; is that right?

8                   A.       Which means that it was an  
9     order of interest.

10                  Q.       Okay.

11                         Let's turn to the first page of  
12     the email. In the first line it says "DEA  
13     C-IIIs update. Recalls the schedule for  
14     Tuesday of this coming week to recap the  
15     FedEx visit with LR DEA office."

16                         Is that the Little Rock DEA  
17     office?

18                  A.       Correct. That's what the "LR"  
19     stands for.

20                  Q.       Okay. Mike Stephenson,  
21     Debbie Hodges, David Barlow, Robert Williams  
22     and Nick Tallman will be on the call.

23                         Do you remember that call  
24     taking place?

25                  A.       I remember the call taking

1 place.

2 Q. Okay. Do you remember what was  
3 said on that call?

4 A. I don't remember what was said  
5 on the call.

6 Q. Were you on the call?

7 A. I was on the call.

8 Q. Okay. And why was Walmart  
9 speaking with the Little Rock DEA office  
10 regarding FedEx?

11 A. There had been a number of --  
12 or, no. There had been some losses from  
13 FedEx facility. And so DEA -- or DEA and  
14 FedEx and Walmart were trying to collectively  
15 work through some potential solutions.

16 Q. Okay. And where did those  
17 losses occur?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: Where did they  
21 occur? Can you clarify that?

22 Q. (BY MR. INNES) Sure. Did the  
23 losses occur at a FedEx warehouse?

24 MS. TABACCHI: Object to the  
25 form.

1 THE WITNESS: I don't know. It  
2 occurred at the FedEx possession.

3 MR. INNES: Okay.

4 THE WITNESS: So I don't know  
5 if it was at the warehouse or not.

6 Q. (BY MR. INNES) Or in transit?

7 A. If they figured that out, we  
8 would have figured the golden nugget out  
9 there.

10 Q. How did this -- if -- how, if  
11 at all, was this in-transit loss with FedEx  
12 resolved?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: How was it  
16 resolved?

17 Q. (BY MR. INNES) Strike that.

18 Following Walmart's  
19 conversations with the DEA regarding these  
20 losses, did Walmart adjust its business  
21 practices at all?

22 MS. TABACCHI: Object to the  
23 form.

24 THE WITNESS: As I discussed,  
25 we were working with FedEx to come up

1           with some solutions. And so there  
2           were some solutions that collectively  
3           we were working with them on.

4           Q.       (BY MR. INNES) And were they  
5           ultimately completed?

6           A.       There was some that were  
7           tested, and -- yes.

8           Q.       Were there any that were tested  
9           and then put into practice?

10          A.       Yes.

11          Q.       Okay. And what were those?

12          A.       The one that I recall is a --  
13          was in progress, but it was a  
14          palletization -- palletization of the drugs.

15                   So that they were palletized,  
16          and so they weren't moving and in transit in  
17          individual boxes, but that they were in a  
18          pallet that was shrink-wrapped.

19                   (Walmart-Hodges Deposition  
20          Exhibit 2 was marked for  
21          identification.)

22                   MR. INNES: Same  
23          self-admonition on the hole punch.

24                   This is a short email. Let me  
25          know when you have a chance to review

1           it.

2                   THE WITNESS: I'm completed.

3           Q.       (BY MR. INNES) I'm sorry, I  
4       didn't hear you say "I'm completed." I'm  
5       reading. My fault. I didn't mean to make  
6       you sit there.

7                   So this is a one-page email.  
8       It's a Walmart document with the Bates ending  
9       6197.

10                   And it's an email from you,  
11       Ms. Hodges, to a Lisa Holland on June 30th,  
12       2017.

13                   The -- it's an email chain, I  
14       should say.

15                   It begins with Lisa Holland  
16       writing to you on June 30th -- on '17,  
17       saying, "Debbie, would you have 30 minutes  
18       available on 7-6 to meet with Dena, Shawn and  
19       I to discuss the upcoming launch of the new  
20       SOM system called Buzzeeo?"

21                   So before we dive into that,  
22       very short email. I'm wondering if you could  
23       tell me when Buzzeeo became -- or what Buzzeeo  
24       is.

25           A.       So Buzzeeo is the alert system



1       that we put in place -- and I say "we." I'm  
2       talking Walmart -- put in place in  
3       replacement of Reddwerks.

4               Q.       Okay. And when did Buzzeo  
5       fully replace Reddwerks?

6               A.       Fully replaced for a day --  
7       they fully replaced in August, a day and a  
8       half, maybe. July, August.

9                       And then fully replaced them  
10      November-ish timeframe.

11              Q.       Okay. And that's August of  
12      2016?

13              A.       Well, it was --

14              Q.       2017.

15              A.       August of 2017.

16              Q.       Okay.

17              A.       And then August -- and then  
18      November of '17.

19              Q.       Okay. Before I forget, the  
20      November of '17 date just triggered this in  
21      my mind.

22              A.       What?

23              Q.       I'm just going to ask you a  
24      quick question.

25                      The -- do you recall any

1 written policies that were in place in the  
2 logistics side of the business post  
3 November 2017?

4 MS. TABACCHI: Object to the  
5 form.

6 THE WITNESS: Post? Do I  
7 recall any policies?

8 Q. (BY MR. INNES) I'm sorry,  
9 strike that.

10 Do you recall any policies  
11 relating to the distribution of Schedule II  
12 drugs that were in place in November of --  
13 in -- I'm sorry, in December of '17?

14 MS. TABACCHI: Object to the  
15 form.

16 THE WITNESS: I'm not sure what  
17 you're after. I don't recall any  
18 specific policies.

19 Q. (BY MR. INNES) I'm sorry, I'm  
20 not trying to play a game of gotcha.

21 One thing that I'm trying to  
22 clear up is we served on Walmart something  
23 called a combined set of discovery that asked  
24 for all policies regarding Walmart's  
25 suspicious order monitoring systems from

1 January 2006 forward.

2 In response we received a  
3 narrative of what those policies were, and  
4 also certain documents -- citations to  
5 documents. I can represent to you that those  
6 policies that were produced to us, none of  
7 them has an effective date later than  
8 November of 2017. And I'm wondering if you,  
9 sitting here today, have knowledge of any  
10 policies regarding the SOM process that would  
11 fall after November of 2017.

12 A. I don't.

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: I don't.

16 Q. (BY MR. INNES) So in June of  
17 2017, Ms. Holland wrote to you and others  
18 asking for time to discuss the upcoming  
19 launch of Buzzeo. And she's asking for that  
20 meeting to "review some of our concerns and  
21 potential solutions."

22 Do you recall ever discussing  
23 concerns or potential solutions with  
24 Lisa Holland regarding Buzzeo?

25 A. I don't recall the content. I

1       don't -- I don't recall specific content.

2               Q.       But you recall the  
3       conversation?

4               A.       I don't -- I don't recall the  
5       conversation either, no.

6                       I'll use my terminology, I've  
7       slept since then.

8               Q.       Do you have any recollection  
9       whatsoever as to what -- the concerns that  
10      Ms. Holland had?

11              A.       I don't recall.

12              Q.       Did you speak with  
13      Ms. McClamroch regarding any concerns she may  
14      have had regarding the -- and potential  
15      solutions regarding Buzzeeo?

16              A.       I don't recall.

17              Q.       Okay. Do you recall speaking  
18      with Shawn Robinson regarding any concerns  
19      and potential solutions regarding the launch  
20      of Buzzeeo?

21              A.       I don't recall.

22              Q.       It's possible, though, that she  
23      did -- that these -- these folks did express  
24      some concerns to you regarding the launch of  
25      Buzzeeo; is that correct?

1 A. I just don't recall.

2 Q. At this point in time, is  
3 Mr. Boudreaux your -- do you report directly  
4 to Mr. Boudreaux?

5 A. No.

6 Q. Who did you report to at this  
7 time?

8 A. I reported to Bryan Boudreaux  
9 at that time.

10 Is that -- are you talking at  
11 that time?

12 Q. Yeah. Yes.

13 A. I thought you just asked  
14 present tense, and I don't currently report  
15 to Bryan.

16 Q. I'm sorry. I asked at this  
17 time in the context of --

18 A. Oh.

19 Q. -- this document. And that's  
20 my -- thank you for making that clear.

21 In June of 2017, you're  
22 reporting directly to Mr. Boudreaux; is that  
23 correct?

24 A. Correct.

25 Q. And did you notify

1 Mr. Boudreaux that other Walmart employees  
2 had concerns regarding the launch of Buzzeo?

3 MS. TABACCHI: Object to the  
4 form.

5 THE WITNESS: Not that I  
6 recall.

7 Q. (BY MR. INNES) Is it possible  
8 that you raised it with Mr. Boudreaux?

9 A. I just don't recall.

10 Q. Okay.

11 Sitting here today, do you  
12 think it would have been important to raise  
13 your colleague's concerns regarding the  
14 launch of Buzzeo with your superior?

15 A. I just don't recall if it  
16 happened.

17 Q. In June of '17, you're aware  
18 of -- again, you're aware of the opioid  
19 crisis. You're now being told of potential  
20 flaws with Walmart's potential use system to  
21 flag orders of interest; is that right?

22 MS. TABACCHI: Object to the  
23 form.

24 THE WITNESS: I don't think  
25 this says flaws to the system, does

1           it?

2           Q.       (BY MR. INNES) Well, we can  
3       use the words here. You're being notified of  
4       concerns and potential solutions regarding  
5       Buzzeo?

6           A.       That's -- I -- yes. I don't  
7       recall what those were. Or I don't recall  
8       that -- I don't recall what they were,  
9       but ...

10          Q.       Sitting here -- if you were to  
11       have received this email today, would you --  
12       would this be something that was important to  
13       you to forward on to your superiors?

14          A.       Absolutely not. Because it's  
15       compliance's responsibility, Buzzeo, at this  
16       point.

17          Q.       Okay. So it's your position  
18       that it is your common practice at Walmart --  
19       I think your -- to borrow a phrase -- to stay  
20       in your lane and --

21          A.       What do you mean by that?

22          Q.       Well, is it your common  
23       practice not to share information with other  
24       divisions that might be helpful?

25          A.       Man, I --

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: I never said  
4 that. I don't agree with that  
5 statement.

6 "Not to share information." I  
7 never -- I never stated that.

8 Q. (BY MR. INNES) So if you don't  
9 agree with that statement, then maybe you  
10 should have shared this information with  
11 someone in compliance.

12 Would you agree with that?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: I think you're  
16 making assumptions here.

17 The -- our compliance team and  
18 this team work very closely together.

19 So there were conversations in  
20 the -- so long before I even got in  
21 the chair, there were conversations  
22 about the development of Buzzeeo. And  
23 then about the -- about the, what I  
24 call tactical piece of Buzzeeo.

25 And so there were very close



1           conversations with compliance over  
2           Buzzeo.

3           Q.       (BY MR. INNES) So compliance  
4           has ownership of Buzzeo; is that a fair  
5           statement, at that point in time?

6           A.       At this point in time?

7           Q.       Yes.

8           A.       No, that's not accurate.

9           Q.       Logistics has possession of  
10          Buzzeo?

11          A.       It's a combination. Once  
12          again, this was a support. We're support  
13          areas. It wasn't just supply chain. It was  
14          supply chain and compliance and legal.

15          Q.       How do you square that with  
16          your prior testimony that you -- that in  
17          response to if you were sitting here, you had  
18          received this email today, you would -- this  
19          would be something that was important to you  
20          to forward to your superiors. Your answer,  
21          "Absolutely not. Because it's compliance's  
22          responsibility, Buzzeo, at this point."

23          A.       Well, I made a mistake. At  
24          this point. Because you asked me present  
25          tense. So maybe I'll just course-correct

1       myself on record. So currently, after the  
2       November timeframe, compliance had  
3       responsibility for Buzzeeo. Currently, in  
4       this situation, it's a compliance supply  
5       chain.

6               Q.       Okay. So sitting here today,  
7       this wouldn't be something that would be  
8       important for you to share, but back in 2016?

9               A.       I don't know that it won't be  
10       important now.

11              Q.       Let me finish my question.  
12                      When you actually received this  
13       email, it would have been important?

14                    MS. TABACCHI: Object to the  
15       form.

16                    THE WITNESS: So, and what I'm  
17       telling you is, this, the teams work  
18       very closely, hand in hand. So the  
19       conversation about Buzzeeo was  
20       certainly happening with compliance,  
21       with my team.

22              Q.       (BY MR. INNES) And how do  
23       you -- what makes you certain of that?

24              A.       Because we -- because we looked  
25       to them for guidance for all of the

1 compliance piece of this.

2 Q. And what can you direct me to  
3 that shows that you had communications with  
4 them regarding Buzzeo?

5 A. My --

6 MS. TABACCHI: Object to the  
7 form.

8 THE WITNESS: I'm communicating  
9 to you that there was very close  
10 conversations with the two teams.

11 Q. (BY MR. INNES) So when you say  
12 you looked to compliance for guidance, what  
13 exactly were you looking to -- what guidance  
14 were you seeking from compliance?

15 MS. TABACCHI: Object to the  
16 form.

17 THE WITNESS: I didn't say I  
18 sought guidance from them. What I'm  
19 saying is these two teams -- these two  
20 teams work very closely together. And  
21 so with Buzzeo, they work very closely  
22 together. In fact, the compliance  
23 team was the one that actually vetted  
24 the system, to bring into Walmart.  
25 And so this -- the compliance team and

1           the supply team -- supply chain team  
2           work very closely on Buzzeo.

3           Q.       (BY MR. INNES) Okay.

4           A.       Just as they did on Reddwerks.

5           Q.       So there -- the compliance team  
6           and your team work very closely on Buzzeo.  
7           That's your testimony?

8           A.       Compliance -- my testimony is  
9           that compliance actually did the vetting of  
10          the system to bring Buzzeo in.

11          Q.       Who were the folks that were on  
12          this email? Are they compliance folks or are  
13          they logistics folks?

14          A.       These happen to be my direct  
15          reports.

16          Q.       Okay. So your direct reports  
17          have some --

18          A.       Which, for the record, are  
19          supply chain team.

20          Q.       Okay. Not compliance?

21          A.       You asked the question which  
22          team are they on. They're from supply chain.  
23          These, on this -- on this one email.

24          Q.       Right. And these folks,  
25          Lisa Holland, Dena McClamroch and

1       Shawn Robinson, members of your team, want to  
2       discuss concerns they have with Buzzeo. That  
3       was vetted by another team.

4               A.       That's -- that's what the  
5       document says.

6               Q.       Okay. And you don't recall  
7       ever having a discussion with your team  
8       members regarding their concerns about the  
9       other team with which you testified they work  
10      very closely?

11               MS. TABACCHI: Object to the  
12      form.

13               THE WITNESS: I don't recall  
14      the conversations going on and I  
15      certainly don't recall, obviously, the  
16      detail of the conversations.

17               Q.       (BY MR. INNES) Did you think  
18      it was -- did you find it helpful that  
19      Ms. Holland was raising these concerns with  
20      you at that time?

21               MS. TABACCHI: Object to the  
22      form.

23               THE WITNESS: I always  
24      appreciate a conversation.

25               I don't know that I can speak

1           if I thought it was helpful because I  
2           don't recall the conversation and I  
3           don't recall the content.

4                   (Walmart-Hodges Deposition  
5           Exhibit 3 was marked for  
6           identification.)

7           Q.       (BY MR. INNES) For the record,  
8           Exhibit 3 is a one-page email, Walmart  
9           document, ending in 8328.

10                   [Document review.]

11           Q.       (BY MR. INNES) So you've had  
12           an opportunity to review the document.

13                   Direct your attention to the  
14           bottom of this email chain. It's an email  
15           from you, Ms. Hodges, to Nick Tallman,  
16           Ramona Sullins, Dena McClamroch, Theresa  
17           Alford, with a cc to Kelsey Marino.

18                   Who is Kelsey Marino?

19           A.       She is my assistant, but really  
20           serves as the department assistant.

21           Q.       Okay. Was Ms. Marino your  
22           assistant in June of 2016?

23                   MS. TABACCHI: Object to the  
24           form.

25                   THE WITNESS: Yes.

1 MS. TABACCHI: I'm sorry, did  
2 you say June of 2016?

3 THE WITNESS: No. That's --  
4 June of '16. I don't know. She  
5 wasn't mine. I had somebody else at  
6 the time.

7 Q. (BY MR. INNES) When was  
8 Ms. Marino your assistant?

9 A. When I took the job in June of  
10 '17.

11 Q. June of '17. Okay.

12 Does this refresh your  
13 recollection from earlier today as to who  
14 maintained your calendar during your time as  
15 the vice president?

16 A. During the time of what? What  
17 timeframe are we asking?

18 Q. June '17 through present.

19 A. You're looking at her. She  
20 maintained the calendar.

21 Q. You maintained the calendar?

22 A. Kelsey would do some things,  
23 but I'd go in and adjust my calendar.

24 Q. Okay. So you --

25 A. So I don't know that I maintain

1       it. Let me course-correct. I don't maintain  
2       it, but I do put meetings on that calendar.

3               Q.       You do?

4               A.       Yes.

5               Q.       Do you want to correct any of  
6       your prior testimony that you indicated you  
7       did not put meetings on your calendar?

8               A.       I -- I do put some -- I -- very  
9       few, but I do put some meetings on that  
10      calendar.

11                      So let me correct that. If I  
12      said I didn't put anything, I do put some  
13      meetings on that calendar.

14              Q.       And if we wanted to refresh  
15      your recollection as to what meetings you did  
16      or did not attend, could we refer to your  
17      calendar?

18              A.       Provided it's been updated.

19              Q.       And what do you mean by  
20      "updated"?

21              A.       I mean if the meeting didn't  
22      happen, did it get pulled off. Sometimes  
23      that doesn't happen.

24                      Maintained, updated.

25              Q.       Okay.



1           A.       Is what I mean.

2           Q.       All right.

3                   But in any event, it could be  
4   used to refresh your recollection as to those  
5   meetings?

6           A.       If it -- if it, at the time,  
7   reflected what happened.

8                   I don't know if it had been  
9   updated. That's just what I said.

10          Q.       So getting to the substance of  
11   this particular document.

12          A.       Yep.

13          Q.       The bottom it says, "Team, what  
14   other retailers or shippers or wholesalers  
15   use Buzzeeo? I'm in a meeting where the  
16   question is asked. Immediate response would  
17   be appreciated, if you know."

18                   Do you recall that meeting?

19          A.       I don't. I don't.

20          Q.       Do you recall discussing at any  
21   point in time what retailers, shippers or  
22   wholesalers used Buzzeeo?

23          A.       The answer is I asked the  
24   question. I remember -- this refreshes my  
25   memory that I was asked the question.

1 Q. Okay. And who asked you that  
2 question?

3 A. I don't know.

4 Q. Do you recall meetings where  
5 Buzzeeo was discussed in October of 2017?

6 A. Do I remember the meetings? Is  
7 that -- was that your question?

8 Q. Yes.

9 A. No.

10 Q. Who do you think you likely had  
11 a meeting with regarding Buzzeeo?

12 A. I don't know. I don't know.  
13 And -- I don't know.

14 Q. Did you meet with members of  
15 compliance regarding Buzzeeo?

16 A. I had conversations with  
17 compliance in regards to Buzzeeo.

18 Q. Okay. Do you recall those  
19 conversations?

20 A. I don't.

21 Q. Who did you have conversations  
22 with regarding Buzzeeo?

23 A. Miranda.

24 Q. And what did you discuss?

25 A. Miranda gave me some -- that's

1       why I know they actually vetted it. She gave  
2       me background as to Buzzeo. That they  
3       chose -- not necessarily why, but that  
4       compliance chose Buzzeo. And then she gave  
5       me background as to the timing of  
6       anticipation of rolling out Buzzeo.

7               Q.       Did you speak with anyone else  
8       regarding those issues?

9               A.       Not that I recall.  
10              Those weren't issues. Those  
11       were just a timeline and background. History  
12       background.

13              Q.       I can rephrase. Did you speak  
14       with anyone else regarding those topics?

15              A.       Not that I recall. But I don't  
16       know -- I don't know -- I don't recall.

17              Q.       Do you recall when Buzzeo was  
18       first planned to roll out?

19                      MS. TABACCHI: Object to the  
20       form.

21                      THE WITNESS: So you're going  
22       to have to clarify the question.

23                      I wasn't involved in the  
24       beginning of the conversation around  
25       Buzzeo. Is that what you're speaking

1 about?

2 Q. (BY MR. INNES) I'm just  
3 wondering if you can tell me if Walmart had a  
4 plan to roll out Buzzeo prior to the date  
5 that it actually was rolled out.

6 MS. TABACCHI: Object to the  
7 form.

8 THE WITNESS: I don't remember.

9 Q. (BY MR. INNES) Do you remember  
10 any -- well, strike that.

11 At some point in time the  
12 decision was made to switch from Reddwerks to  
13 Buzzeo; is that right?

14 A. You're out of my scope. I --  
15 there was a decision. I don't know when.

16 Q. How did the decision impact  
17 your team, if at all, to switch to Buzzeo?

18 A. How did it -- how did it impact  
19 my team?

20 When the plans to roll out to  
21 Buzzeo, then, as I said earlier, the  
22 responsibilities would shift to compliance.  
23 So that would impact the team.

24 Q. Were you aware of any estimates  
25 that Buzzeo would identify more orders of

1 interest than Reddwerks had identified in the  
2 past?

3 A. I was -- I don't recall.

4 Q. Is there anything that would  
5 help refresh your recollection as to that  
6 question?

7 A. I don't know.

8 Q. When Buzzeo did roll out, were  
9 there a greater number of orders of interest  
10 that were flagged than when -- as opposed to  
11 when Reddwerks was in place?

12 MS. TABACCHI: Object to the  
13 form, lack of foundation.

14 THE WITNESS: And so are you  
15 talking about the first time or the  
16 second time?

17 Q. (BY MR. INNES) Let's take them  
18 in order, the first time.

19 A. The first time, there were  
20 systems issues, technical systems issues. I  
21 don't know that I would couch it as number  
22 of -- what you just couched it as, number of  
23 orders, but there were systems -- there were  
24 some kind of systems issues.

25 Q. What's -- what do you mean by

1 "systems issues"?

2 A. I can't define what I mean by  
3 systems issues, because I am not a technical  
4 expert.

5 But certainly I have team  
6 members that are.

7 Q. Okay. So where did you come to  
8 know the term "systems issues"?

9 A. I came to know systems issues  
10 through Ramona Sullins.

11 Q. Okay. Ramona Sullins tell you  
12 that Buzzeo was experiencing systems issues?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: Ramona -- I  
16 think -- I had conversation with  
17 Ramona, and I think I had  
18 conversation -- I had conversation  
19 with Nick.

20 Q. (BY MR. INNES) Is this  
21 Nick Tallman?

22 A. Correct.

23 Q. The second time that Buzzeo  
24 rolled out. And that was the final time that  
25 Buzzeo rolled out; right? The second time?

1 A. Correct.

2 Q. And what was the date of that  
3 again?

4 A. Sometime in November.

5 Q. Okay. And when it finally --  
6 November of '17?

7 A. Correct.

8 Q. Okay. And November of '17,  
9 when Buzzeo finally rolled out, did Walmart  
10 experience a greater number of orders of  
11 interest being flagged by Buzzeo than by  
12 Reddwerks?

13 MS. TABACCHI: Object to the  
14 form. Lack of foundation.

15 THE WITNESS: By that time, it  
16 had transitioned over -- completely  
17 over to compliance, so I don't -- I  
18 don't recall.

19 Q. (BY MR. INNES) Okay.

20 When Buzzeo rolled out, did it  
21 in fact flag orders of interest?

22 A. Did what?

23 Q. When Buzzeo rolled out in  
24 November of '17, did it flag orders of  
25 interest?

1           A.       Well, that was the objective  
2       was for it to flag orders of interest.

3           Q.       I understand that was the  
4       objective. My question is, did it actually  
5       fulfill that objective? Were orders of  
6       interest flagged by Buzzeeo?

7                   MS. TABACCHI: Object to the  
8       form. Lack of foundation.

9                   THE WITNESS: Miranda would be  
10      the one that would have to answer  
11      that. Or somebody on the compliance  
12      side of the business.

13                  Or -- because I -- at that  
14      point it had transitioned -- they had  
15      a team.

16          Q.       (BY MR. INNES) In November of  
17      '17, when Buzzeeo rolled out, what, if -- what  
18      was logistics' role, if any, with respect to  
19      the evaluation of orders of interest?

20          A.       There was a transition and  
21      Miranda had a team that did an evaluation  
22      when that transitioned.

23                  When Buzzeeo, for the second  
24      time, in that November timeframe, turned on,  
25      Miranda had a team that did the evaluation of



1 the orders of interest.

2 Q. Okay. So in the process we  
3 just spent hours discussing this afternoon,  
4 your folks were the SOM -- was the SOM team;  
5 right?

6 A. My what?

7 Q. The folks that you oversaw were  
8 on the SOM team?

9 MS. TABACCHI: Objection -- go  
10 ahead. Finish your question.

11 Q. (BY MR. INNES) Is that  
12 correct?

13 A. Yes.

14 MS. TABACCHI: Object to the  
15 form.

16 Q. (BY MR. INNES) When Buzzeeo  
17 rolled out, did that process that we  
18 discussed under Reddwerks, did that change at  
19 all?

20 A. Did the -- I don't know. It  
21 transitioned over to the compliance team, so  
22 I don't know what that process then looked  
23 like.

24 Q. Was your team involved in the  
25 process?

1           A.       We were involved in the  
2       transition of the process, but once it  
3       transitioned, no, they were not involved in  
4       it.

5           Q.       So after the transition of the  
6       process, the transition from logistics to  
7       compliance, did any folks in -- under your  
8       command have responsibility for evaluations  
9       of orders of interest?

10          A.       After the complete transition,  
11       no.

12          Q.       Okay.

13          A.       And so it -- there was a  
14       transition. I don't recall the exact days of  
15       that transition, but the -- after that  
16       complete transition, no. It was compliance.

17          Q.       After the complete transition,  
18       did you still meet with Miranda Johnson and  
19       Roxy Reed to evaluate orders of interest?

20          A.       No.

21          Q.       When was the last order of  
22       interest meeting that you attended with --  
23       well, order of interest meeting that you  
24       attended?

25          A.       I don't recall.

1 Q. Okay. Did it happen before or  
2 after the transition?

3 MS. TABACCHI: Object to the  
4 form.

5 THE WITNESS: I don't recall.

6 Q. (BY MR. INNES) So that was  
7 sort of an important meeting that you attend  
8 on many times during the same month. And  
9 that came off the calendar. I can imagine  
10 that might be a --

11 A. What did you say? The first  
12 part?

13 Q. At some point did you stop  
14 going to the order of interest meetings?

15 MS. TABACCHI: Object to the  
16 form.

17 THE WITNESS: Correct.

18 Q. (BY MR. INNES) You did. Okay.

19 Did that happen -- did you ever  
20 attend an order of interest meeting to  
21 examine orders of interest flagged by Buzzeo?

22 A. Not that I recall.

23 Q. Okay.

24 A. There would have been no  
25 reason.

1 Q. And why would there have been  
2 no reason for that?

3 A. Because the SOM team wasn't --  
4 in -- at that point, the SOM team wasn't  
5 involved. But I just didn't -- I --

6 Q. Did you receive a communication  
7 from anyone directing you to no longer attend  
8 meetings to evaluate orders of interest?

9 A. I had a conversation with  
10 several people on the compliance --  
11 several -- several of my support system on  
12 the compliance side.

13 Q. Okay.

14 A. To -- that there was no longer  
15 a need for it. Because it did transition.  
16 So that was Miranda, that was George Chapman,  
17 that -- that --

18 So there was -- yeah, there  
19 were several conversations.

20 Q. So that -- the policy that was  
21 in place that directed -- directed the orders  
22 of interest to be evaluated and delivered to  
23 you and others for examination, that policy  
24 dissolved after the transition; is that  
25 right?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: I don't know that  
4 it dissolved. I know that I was asked  
5 to no longer -- there was no need for  
6 me to attend those meetings. That's  
7 what I know.

8 Q. (BY MR. INNES) When did  
9 Walmart exit the distribution of Schedule II  
10 drugs?

11 A. It was in April-May timeframe.  
12 April-May.

13 Q. April-May of 2017?

14 A. Correct.

15 Q. And when did you first learn of  
16 Walmart's decision to exit the business?

17 A. I don't --

18 MS. TABACCHI: You asked 2017.  
19 I just want to make sure if you wanted  
20 to ask 2017.

21 Q. (BY MR. INNES) I'm sorry,  
22 2018.

23 A. Correct.

24 Thank you.

25 MR. INNES: Thank you for that,

1 Tina.

2 Q. (BY MR. INNES) So Walmart  
3 exited the distribution of Schedule II drugs  
4 in April or May of 2018?

5 A. It was -- right. It was a  
6 transition of April-May timeframe.

7 Q. And when did you first learn  
8 that Walmart would no longer distribute  
9 Schedule IIs?

10 A. I don't recall the exact date.

11 Q. Okay. Do you recall the  
12 approximate date?

13 A. It was some time before that.

14 Q. Did -- how did you learn that  
15 Walmart was going to exit the distribution of  
16 Schedule IIs?

17 A. It was communicated in a  
18 meeting.

19 Q. And what meeting was that?

20 A. It was a meeting that had -- it  
21 was with operation, health and wellness, and  
22 compliance. And supply chain.

23 Q. Those were three different  
24 divisions?

25 A. Yes. But there were more in

1       there. There was other -- replenishment was  
2       in there. Legal was in there. But I don't  
3       recall the rest.

4                   MR. INNES: I'm going to ask  
5       another question. Give your counsel  
6       time to interpose an objection.

7           Q.       (BY MR. INNES) Who attended --  
8       do you recall who attended the meeting?

9           A.       I recall that I did.

10          Q.       Okay. Do you recall who  
11       from -- any other Walmart employees that  
12       attended the meeting?

13          A.       I recall that George Riedl  
14       attended.

15          Q.       Why do you recall Mr. Riedl  
16       attending?

17          A.       Because he was the one that  
18       made the announcement.

19          Q.       Okay. Who is Mr. Riedl?

20          A.       Mr. Riedl was the SVP -- was  
21       the SVP of pharm -- I don't know the title.  
22       Pharmacy --

23          Q.       Okay.

24          A.       -- operation -- I don't know  
25       his exact title.

1           Q.       During that meeting, did  
2       Mr. Riedl give the reasons for Walmart's  
3       decision to exit the Schedule II distribution  
4       business?

5                   MS. TABACCHI:   Do you mind if I  
6           just -- I don't -- there were lawyers  
7           present at this meeting, and I would  
8           appreciate just an opportunity to talk  
9           to the client before we talk about the  
10          substance of what was discussed in  
11          this meeting to make sure that there  
12          is no privilege issue.

13                  MR. INNES:   We can do that.

14                  I'm a little surprised that you  
15          haven't talked to her about this  
16          meeting yet, but if you'd like to take  
17          a few minutes to do so, I'm happy to  
18          do it.

19                  THE WITNESS:   She hasn't.

20                  MS. TABACCHI:   Thank you.

21                  We'll be back.

22                  THE VIDEOGRAPHER:   3:55.   We  
23          are off the video record.

24                  (Recess taken, 3:55 p.m. to  
25          3:59 p.m.)



1 THE VIDEOGRAPHER: 3:59. We  
2 are on the video record.

3 MR. INNES: We're back on the  
4 record. We took a break to allow  
5 counsel for Walmart to confer with  
6 Ms. Hodges regarding the pending  
7 question. I'll just read back the  
8 pending question so you have it.

9 Q. (BY MR. INNES) During that  
10 meeting, did Mr. Riedl give the reasons for  
11 Walmart's decision to exit the Schedule II  
12 distribution business?

13 A. No. He did not.

14 Q. When did this meeting take  
15 place?

16 A. I don't recall.

17 Q. It was obviously some time  
18 before Walmart exited the business. Do you  
19 recall if it was a short period of time? A  
20 long period of time?

21 A. I don't recall.

22 Q. Do you recall, it was April or  
23 May, the exit? Do you recall the weather on  
24 that day?

25 MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: I don't recall.

3 Q. (BY MR. INNES) Do you recall  
4 whether it was warm out?

5 I'll withdraw that question.

6 Do you recall who attended the  
7 meeting, other than the folks that you've  
8 already listed?

9 A. No. I've listed those that --  
10 those functional areas that I know that  
11 attended.

12 Q. Okay. Do you know if  
13 Roxy Reed -- know if Roxy Reed -- Roxanne  
14 Reed attended that meeting?

15 A. I don't know.

16 Q. What is your understanding of  
17 why Walmart decided to exit the Schedule II  
18 business?

19 A. My understanding is we were  
20 told that we were exiting the business.  
21 That's the extent that I know.

22 Q. Okay.

23 Do you have any opinions  
24 yourself as to why Walmart decided to exit  
25 the business?

1 A. I don't.

2 Q. You didn't question why Walmart  
3 had decided to exit the business?

4 A. I didn't.

5 Q. Were any of your direct reports  
6 affected by the business decision to exit the  
7 Schedule II business?

8 A. Some of their jobs were  
9 eventually impacted.

10 Q. Okay. And what do you mean by  
11 "eventually impacted"?

12 A. So we are -- [REDACTED]  
13 made a decision to leave the company.  
14 [REDACTED] made a decision  
15 to go to another -- another business within  
16 Walmart.

17 Q. Do you know where  
18 Lisa Holland -- strike that.

19 Do you know if Lisa Holland  
20 obtained employment elsewhere after Walmart?

21 A. Yes.

22 Q. Do you know where she's  
23 employed?

24 A. Arvest.

25 Q. Arvest? Arvest is a regional

1 bank; is that correct?

2 A. Correct.

3 Q. And it's owned by a member of  
4 the Walton family? Is that --

5 A. You've got me.

6 I should have said "I don't  
7 know" rather than "You've got me." I don't  
8 know.

9 Q. It's getting late in the day.  
10 Approximately how long did that  
11 meeting last?

12 MS. TABACCHI: Object to the  
13 form.

14 THE WITNESS: The -- yeah.

15 Clarify which meeting.

16 Q. (BY MR. INNES) Oh, I'm sorry.  
17 The meeting where George Riedl announced that  
18 Walmart would be exiting the Schedule II  
19 business.

20 A. It was a very short meeting.

21 Q. Okay.

22 A. So ...

23 Q. Less than an hour?

24 A. Very short meeting.

25 Q. Five minutes?

1           A.       Correct. Somewhere -- very  
2 short. I don't know that it was five minutes  
3 exactly, but it was a very short meeting.

4           Q.       Were folks surprised by the  
5 decision?

6                   MS. TABACCHI: Object to the  
7 form.

8                   THE WITNESS: I don't know that  
9 "surprised" was a word. They -- I  
10 don't know. I -- we walked out of the  
11 room.

12          Q.       (BY MR. INNES) Were you  
13 surprised by the decision to exit the  
14 business?

15          A.       I was trying to figure out how  
16 we planned to exit. I wasn't surprised it --  
17 I was trying to figure out how we transition,  
18 right?

19          Q.       Why weren't you surprised?

20          A.       I just wasn't surprised. I was  
21 trying -- my mind was to, "Okay, now I've got  
22 to figure out how to transition this."  
23 That's just where my head was.

24          Q.       At any point in time prior to  
25 that announcement, did you expect Walmart to

1 exit the business?

2 A. I was not -- I was not -- did I  
3 expect? I didn't expect, because I didn't  
4 know. I wasn't involved with any kind of  
5 decision. I didn't know.

6 Q. Okay. Were you required to  
7 sign a nondisclosure agreement as part of  
8 your -- after you were informed that Walmart  
9 was going to exit the Schedule II business?

10 A. Was I required?

11 Q. Yes.

12 A. No.

13 Q. Did you sign a nondisclosure  
14 agreement?

15 A. No.

16 Q. Were you asked to sign a  
17 nondisclosure agreement?

18 A. There was a nondisclosure  
19 agreement that was -- that was put out there,  
20 but to my recollection, I did not sign it.

21 Q. What do you mean by "put out  
22 there"?

23 A. It was -- there was a  
24 nondisclosure that was sent to individuals.  
25 That's what I mean by "put out there." Sent

1 to individuals.

2 Q. Was it sent to you?

3 A. I don't even recall that.

4 Q. If it was sent to you, would  
5 it -- would it be -- would it have been sent  
6 via email?

7 A. Perhaps.

8 Q. Would you have retained a copy  
9 of that email?

10 A. I -- I would not have.

11 Q. You would -- would you have  
12 deleted that email?

13 MS. TABACCHI: Object to the  
14 form.

15 THE WITNESS: I would not -- it  
16 still would be accessible in the email  
17 system if it were sent to me.

18 Q. (BY MR. INNES) And why do you  
19 say "it would still be accessible"?

20 A. Because my emails are all  
21 accessible.

22 Q. It's not your -- do you ever  
23 delete emails?

24 A. I --

25 MS. TABACCHI: Object to the

1 form.

2 THE WITNESS: I have a lot of  
3 emails in my email.

4 So the answer is sometimes I  
5 delete emails, but it would still be  
6 accessible.

7 Q. (BY MR. INNES) How do you know  
8 this nondisclosure agreement was sent to  
9 others?

10 A. The -- there was -- because  
11 there was conversation in a meeting that --  
12 about sending it.

13 So I don't know that it was  
14 sent. Or I don't -- I can't tell you who it  
15 was sent to.

16 But there was conversation  
17 about a nondisclosure.

18 Q. And was that conversation in a  
19 meeting other than the one in which Mr. Riedl  
20 announced Walmart's decision to exit the  
21 business?

22 A. I don't know when that  
23 conversation happened. I don't -- I don't  
24 know if it happened in that meeting or in  
25 another meeting. I don't know.



1 Q. Okay.

2 A. I don't recall.

3 Q. Do you recall if it happened,  
4 you know, in a meeting shortly after the  
5 meeting with Mr. Riedl?

6 A. I don't recall. I just don't  
7 recall.

8 Q. Do you recall who attended that  
9 meeting?

10 A. I don't.

11 MS. TABACCHI: Object to the  
12 form.

13 Q. (BY MR. INNES) Did anyone  
14 other than Mr. Riedl speak at the meeting  
15 where he announced Walmart's decision to exit  
16 the business?

17 A. My recollection is just Mr. --  
18 George Riedl speaking.

19 MR. INNES: Why don't you just  
20 give me a couple minutes.

21 We can go off the record.

22 THE VIDEOGRAPHER: 4:07. We  
23 are off the video record.

24 (Recess taken, 4:07 p.m.  
25 4:11 p.m.)

1 THE VIDEOGRAPHER: 4:11. We  
2 are on the video record.

3 Q. (BY MR. INNES) Ms. Hodges, we  
4 are back on the record. Just a few more  
5 questions regarding the nondisclosure  
6 agreement.

7 Do you recall any other time in  
8 your tenure at Walmart where employees were  
9 asked to sign a nondisclosure agreement?

10 A. Yes. In my merchandising days  
11 I was asked.

12 Q. Okay. And did you sign those  
13 nondisclosure agreements in your  
14 merchandising days?

15 A. When appropriate. When there  
16 were new launches of product that the  
17 companies wanted to protect. The companies  
18 being suppliers wanted to protect, yes.

19 Q. Did any of your immediate  
20 reports -- were any of your immediate reports  
21 asked to sign a nondisclosure agreement?

22 MS. TABACCHI: Object to the  
23 form.

24 THE WITNESS: I don't recall --  
25 I don't know.

1 Q. (BY MR. INNES) Okay.

2 MR. INNES: No further  
3 questions. Unless you've got  
4 questions, I'm fine to end the  
5 deposition.

6 MS. TABACCHI: We have no  
7 questions, no.

8 Thank you.

9 MR. INNES: All right. Thank  
10 you.

11 MS. TABACCHI: We'll reserve  
12 signature.

13 THE VIDEOGRAPHER: 4:12 p.m.  
14 We are off the record. This concludes  
15 the video deposition.

16 (Proceedings recessed at  
17 4:12 p.m.)

18 --o0o--

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CERTIFICATE

I, DEBRA A. DIBBLE, Registered  
Diplomate Reporter, Certified Realtime  
Reporter, Certified Realtime Captioner,  
Certified Court Reporter and Notary Public,  
do hereby certify that prior to the  
commencement of the examination, DEBBIE  
HODGES was duly sworn by me to testify to the  
truth, the whole truth and nothing but the  
truth.

I DO FURTHER CERTIFY that the  
foregoing is a verbatim transcript of the  
testimony as taken stenographically by and  
before me at the time, place and on the date  
hereinbefore set forth, to the best of my  
ability.

I DO FURTHER CERTIFY that pursuant  
to FRCP Rule 30, signature of the witness was  
not requested by the witness or other party  
before the conclusion of the deposition.

I DO FURTHER CERTIFY that I am  
neither a relative nor employee nor attorney  
nor counsel of any of the parties to this  
action, and that I am neither a relative nor  
employee of such attorney or counsel, and  
that I am not financially interested in the  
action.

---

DEBRA A. DIBBLE, RDR, CRR, CRC  
NCRA Registered Diplomate Reporter  
NCRA Certified Realtime Reporter  
Certified Court Reporter

Dated: 15 January 2018

1 INSTRUCTIONS TO WITNESS

2  
3 Please read your deposition over  
4 carefully and make any necessary corrections.  
5 You should state the reason in the  
6 appropriate space on the errata sheet for any  
7 corrections that are made.

8 After doing so, please sign the  
9 errata sheet and date it.

10 You are signing same subject to  
11 the changes you have noted on the errata  
12 sheet, which will be attached to your  
13 deposition.

14 It is imperative that you return  
15 the original errata sheet to the deposing  
16 attorney within thirty (30) days of receipt  
17 of the deposition transcript by you. If you  
18 fail to do so, the deposition transcript may  
19 be deemed to be accurate and may be used in  
20 court.

	ERRATA		
	PAGE	LINE	CHANGE
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1 ACKNOWLEDGMENT OF DEPONENT

2  
3  
4 I, DEBBIE HODGES, do hereby certify  
5 that I have read the foregoing pages and that  
6 the same is a correct transcription of the  
7 answers given by me to the questions therein  
8 propounded, except for the corrections or  
9 changes in form or substance, if any, noted  
10 in the attached  
11 Errata Sheet.  
12

13 \_\_\_\_\_  
14 DEBBIE HODGES

DATE

15 Subscribed and sworn to before me this  
16 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

17 My commission expires: \_\_\_\_\_  
18  
19 \_\_\_\_\_

20 Notary Public  
21  
22  
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	LAWYER'S NOTES		
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